

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3870 OF 2019

Dr. Vivek Aityakumar Gupta
& Ors.

.. Petitioners

Vs.

State of Maharashtra
& Anr.

.. Respondents

Mr. R.S. Kale, for petitioners.

Mr.F.R. Shaikh, APP for State.

Mr.U.S. Samudrala, for respondent No.2.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 14TH AUGUST 2019

P.C.

1 Shri Kale, the learned counsel for the petitioners seeks leave to amend the petition so as to give particulars of the criminal case.

2 Leave granted. Necessary amendment be carried out forthwith.

3 Heard the learned counsel for the petitioners, the learned counsel for the respondent No.2 and the learned APP for State.

4 The petition is filed for quashing and setting aside the proceedings bearing CC No.58/2017 pending on the file of Railway Mobile Court at Andheri. The said case arises out of registration of the FIR bearing C.R. No. 345/2015 with Meghwadi Police Station at the instance of the respondent No.2 for offences punishable under sections 498-A, 406, 323, 324, 377,

504, 506 of the Indian Penal Code, 1860 ('IPC') and under sections 3 and 4 of Dowry Prohibition Act.

5 Petitioner No.1 and the respondent No.2 are husband and wife. The rest of the petitioners are relations of the petitioner No.1 and in-laws of the respondent No.2. Marital discord between the parties gave rise to filing of several criminal as well as civil cases and the subject matter of the present petition is one of them. With the intervention of the learned counsel for the parties, the parties have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have filed consent terms dated 13th December 2018 in Petition No.A-109 of 2018 before the learned 5th Family Court at Mumbai. By this consent terms, parties agreed to dissolve their marriage by mutual consent. The petitioner No.1 also agreed to pay the respondent No.2 an amount of Rs.19,00,000/- towards permanent lump-sum alimony. Petitioner No.1 has deposited a sum of Rs.19,00,000/- in 5th Family Court at Mumbai in Petition No.A-109 of 2018. Under the consent terms, the respondent No.2 also agreed to give no objection to quash and set aside the subject criminal case. This amount of Rs.19,00,000/- is to be paid to the respondent No.2 after decree of dissolution of marriage is passed.

6 Petitioner No.1 and the respondent No.2 both state that they will

comply with the consent terms.

7 In pursuance of the understanding arrived at between the parties, the parties have now approached this Court for quashing and setting aside the subject criminal case. Respondent No.2 has filed an affidavit dated 14th August 2019 and in paragraph 3 thereof reiterated whatever stated in the petition and has also given her no objection for quashing and setting-aside the subject criminal case and also has no objection if the amount is withdrawn.

8 The respondent No.2 is personally present before the Court. On being questioned by the Court, she stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. Respondent No.2 has further confirmed that she has given no objection for quashing the subject criminal case on her own free will and without there being any pressure or coercion.

9 It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear that the allegations are totally personal in nature. In these circumstances and especially in view of the law laid down by the Apex Court in the case of ***B.S. Joshi Versus State of Haryana***¹, we are of the view that quashing of the FIR would be in the interest of respondent No.2. Besides, no purpose

1 AIR 2003 SC 1386

would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the proceedings of the subject FIR is required to be quashed.

10 The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]