

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

WRIT PETITION NO. 3957 OF 2019

Sudhir Ashok Konge
& Ors.

.. Petitioners

Vs.

The State of Maharashtra &
Anr.

.. Respondents

Mr.Ranjit D. Shinde for petitioners.

Mr.Deepak Thakare, PP a/w. Ms. Sangita Shinde, APP for State.

Mr.Dormaan Jamshid Dalal for respondent No.3.

Mrs.Priyanka Sudhir Konge-respondent No.3 present.

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

DATE : 14TH AUGUST 2019

P.C.

1 The learned counsel for the petitioners, at the outset, seeks leave to amend the petition so as to give particulars of the charge-sheet in prayer clause.

2 Since the petition is at the admission stage, leave granted. Necessary amendment be carried out forthwith.

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

4 The petition is filed for quashing and setting aside the proceedings of the criminal case bearing No.RCC 176/2019 pending before the Judicial Magistrate, First Class, Pimpri, Pune. The said case arises out of the registration of the First Information Report bearing C.R.No.447/2017 registered with Sangvi Police Station, Pune at the instance of the respondent No.3, for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 (IPC). After completion of investigation, the petitioner was also charged for the offence punishable under section 377 of the IPC.

5 The petitioner No.1 and the respondent No.3 are the husband and wife. Petitioner Nos.2 and 3 are the parents of the petitioner No.1 and in-laws of respondent No.3. Matrimonial discord between the parties gave rise to filing of several civil as well as criminal cases and the subject matter of the present petition is one of them. Pending trial of the subject criminal case, the parties have settled their dispute amicably and agreed to obtain divorce by mutual consent under section 13-B of the Hindu Marriage Act, 1955. The petitioner No.1 has agreed to pay to the respondent No.3 a sum of Rs.20 lakhs towards one time lump-sum permanent alimony. The learned counsel for the petitioners states that the amount of Rs.20 lakhs has already given to the respondent No.3 by demand draft. Respondent No.3 is present in Court and has acknowledged receipt of Rs.20 lakhs.

6 In terms of the understanding referred above, the parties have now approached this Court for quashing and setting-aside the subject FIR by consent. The respondent No.3 has filed an affidavit, dated 8th August 2019. In paragraph 2 of the affidavit, she has reiterated whatever she has stated in the complaint. In paragraphs 6 and 7, the respondent No.3 has given her no objection for quashing and setting-aside the subject FIR. On a specific query of the Court, the respondent No.3 stated that she has gone through the petition and the affidavit as well and has fully understood the contents thereof. She has further confirmed that that she has given no objection for quashing the subject FIR on her own free will and without there being any pressure or coercion.

7 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.3. Besides, no purpose 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 interest of justice, the proceedings of the

1 AIR 2003 SC 1386

subject FIR is required to be quashed.

8 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.]