

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

WRIT PETITION NO. 4018 OF 2019

Ajay Ramniwas Pathak

& Ors.

.. Petitioners

Vs.

The State of Maharashtra

& Ors.

.. Respondents

Mr.Mikdad Aziz Zummerwala for petitioners.

Mr.Avinash Kamkhedkar, APP for respondent No.1-State.

Mr.Pranot Pawar I/b Pawar & Co. for respondent No.3.

Mr.Ajay Ramniwas Pathak- petitioner present.

Mrs.Chetna Ajay Pathak- respondent No.3 present.

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

DATE : 28TH AUGUST 2019

P.C.

1 Mentioned for production. Production granted in view of urgency.

2 At the outset, the learned counsel for the petitioners seeks leave to amend the petition to mention sections 3 and 4 of the Dowry Prohibition Act, 1961 in prayer clause.

3 Leave, as prayed for, is granted. Necessary amendment be carried out within one week.

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

5 The petition is filed for quashing and setting aside the First Information Report bearing C.R. No.398 of 2019 registered with Khar Police Station, Mumbai, at the instance of the respondent No.3, for the offences punishable under sections 498-A, 313, 406 and 504 read with 34 of the Indian Penal Code, 1860.

6 The petitioner No.1 and the respondent No.3 are husband and wife. The rest of the petitioners are the relations of the petitioner No.1 and in-laws of the respondent No.3. Marital discord between the parties gave rise to filing of the subject FIR. Pending investigation, with the intervention of the elderly relatives in the family and well wishers, parties have settled their disputes amicably. In terms of the understanding between the parties, now they have approached this Court for quashing the subject FIR. Respondent No.3 has filed an affidavit dated 3rd August 2019 and in paragraph 2 thereof, stated that they have agreed to settle all disputes amicably and ready and willing to withdraw all allegations against each other and also desire to reconcile and stay together peacefully. In paragraphs 4 and 5 of the said affidavit, the respondent No.3 has stated that she has no grievance against the petitioners and she has filed affidavit on her own free will and volition and without any force or undue coercion on any connivance or collusion with any person.

7 The respondent No.3 is personally present before the Court. On

specific query made by us, the respondent No.3 has stated that she has no objection for quashing the subject FIR in view of the settlement between herself and the petitioner.

8 It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the FIR, makes it clear that the allegations are totally personal in nature. No element of public law is involved. The genesis of the FIR is in marital discord, which the parties have amicably resolved. In these circumstances and, especially in view of the law laid down by the Apex Court in the case of *B.S.Joshi & Ors. Versus State of Haryana*¹, we are of the view that quashing of the FIR would be in the interest of respondent No.3 also. 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 subject subject FIR is required to be quashed.

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

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]

1 AIR 2003 SC 1386

