

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4034 OF 2019**

Ajinkya Chandrashekhhar Sakpal & anr. ...Petitioners
Versus
The State of Maharashtra & anr. ...Respondents

Mr. V. P. Agale, a/w Nirmala Bhosale, for the petitioners.
Mrs. A. S. Pai, APP for the State/Respondent.
Ms. Deepal A. Thakkar, for Respondent no.2.

**CORAM: RANJIT MORE &
N. J. JAMADAR, JJ
DATED : 11th OCTOBER, 2019**

PC:-

1. Heard Mr. Agale, the learned Counsel for the petitioners, Mrs. Pai, the learned APP for the State and Ms. Thakker, the learned Counsel for respondent No.2.
2. The petition is filed for quashing and setting aside Criminal Case No.683 of 2018, pending in the Court of Judicial Magistrate First Class, Panvel. The said case arises out of registration of First Information Report ("FIR") bearing CR No.42 of 2019, dated 3rd February, 2018, registered with Kharghar Police Station, Navi Mumbai, at the instance of respondent No.2, for the offences punishable under sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860.
3. The petitioner No.1 and respondent No.2 are the husband and wife. The marriage of petitioner no.1 and respondent no.2

was solemnized on 10th March, 2016. Petitioner no.2 is the mother of petitioner no.1 and mother-in-law of respondent no.2. Marital discord between the parties gave rise to filing of civil as well as criminal proceedings.

4. Pending trial, with the intervention of the elderly relatives in the family and well wishers, parties have settled their disputes amicably. The marriage between petitioner no.1 and respondent no.2 was dissolved by *ex parte* decree, dated 20th March, 2019, passed by the District Judge-1, Raigad, Alibag and accordingly filed consent terms in this Court dated 2nd August, 2019, copy of the same is annexed at Exhibit-C.

5. In terms of the understanding between the parties, now they have approached this Court for quashing the subject criminal case/FIR. Respondent No.2 has filed an affidavit dated 2nd August 2019 and in paragraph 6 thereof, stated that she is agreed to settle all the disputes amicably. In the said affidavit, respondent No.2 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 of any connivance or collusion with any person.

6. Petitioners and respondent No.2 are personally present before the Court. On specific query made by us, they stated that they have settled their disputes amicably as per the

consent terms dated 2nd August, 2019. Respondent No.2 has stated that she has no objection for quashing the subject criminal case/FIR in view of the settlement between herself and the petitioners.

7. 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.2 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 proceeding of the subject criminal case/FIR is required to be quashed.

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

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]

1 AIR 2003 SC 1386.