

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

CRIMINAL APPLICATION NO.976 OF 2018

Nitin Shashikant Jadhav & Anr. ..Applicants
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.Raj J. Khude for the Applicants.

Mr.A.D. Kamkhedkar, APP for the Respondent-State.

Mr.Atharva A. Dandekar for Respondent No.2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 01st APRIL 2019

P.C.

1. Learned counsel for the applicant seeks leave to amend the prayer clause so as to give the details of the case which is necessitated and accruing all the events subsequent to the necessary development. Leave granted. Necessary amendment to be carried out forthwith.

2. Heard learned counsel for the applicant and learned APP for the respondent-State and learned counsel for respondent No.2.

3. The petition is filed for quashing and setting-aside the Criminal Case bearing No.PW/999/2008 pending on the file of the Learned Metropolitan Magistrate, 09th Court, Bandra, Mumbai. The said case arises out of the FIR bearing C.R.No.69 of 2008 registered at the instance of respondent No.2 with Khar Police Station, for the offences punishable under Sections 498(A), 504 and 323 read with 34 of the Indian Penal Code, 1860.

4. The applicant No.1 and respondent No.2 got married in the year 2001. Applicant No.2 is mother of applicant No.1. Marital dispute 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.

5. Pending investigation of the trial, the parties have settled their dispute amicably and filed Consent Terms in the Family Court in Appeal No.29 of 2018. Before this Court the copy of the Consent Terms is annexed at Exhibit-D, page 45 of the Petition. The learned counsel for the respective parties make a statement that terms and conditions are already complied with inasmuch as the petitioner No.1 has paid an amount of Rs.17 lakhs as by way of full and final settlement and the Decree of divorce is also passed.

6. In the wake of the said understanding, the parties have now approached this Court to quash the proceedings and subject FIR by consent. Accordingly, the respondent No.2 has filed an affidavit dated 28th March 2019. In paragraph No.4, she has given her no objection for quashing and setting-aside the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and 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 criminal case/FIR out of 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 AIR 2003 SC 1386,** we are of the view that quashing of the criminal case/FIR would be in the interest of respondent No.2. 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 interests of

justice, the proceedings of the subject criminal case/subject FIR are/is required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)