

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

CRIMINAL APPLICATION NO.1055 OF 2017

Jitendra P. Jain & Anr	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Imtiyaz Ahmed I. Patel for the applicants.
Mrs.A.S. Pai, APP for the State.
Mr. Ismail Shiakh I/b J.P. Consultia for respondent no.3.

WITH

CRIMINAL APPLICATION NO.616 OF 2019

Javerchand Jitendra Jain	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Imtiyaz Ahmed I. Patel for the applicant.
Mr.A.D. Kamkhedkar, APP for the State.
Mr. Ismail Shiakh i/b J.P. Consultia for respondent no.3.

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

DATED : 18th JUNE, 2019

P.C:-

1 Heard learned counsel appearing for the respective parties and learned APP for the State.

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2 The applications are filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside FIR No.48 of 2017 registered with V.P. Road Police Station, (C.C.No. 503/PW/2017) pending on the file of 4th Addl. Chief Metropolitan Magistrate, Girgaon, for offences punishable under Sections 498A, 406, 323, 504 r/w Section 34 of the IPC.

3 The applicants in Criminal Application No.1055/17 are in-laws and applicant in Criminal Application No. 616 of 2019 is the husband of the respondent complainant. Matrimonial dispute between the parties gave rise to filing of several criminal as well as civil cases, including the subject FIR.

4 Pending investigation, the parties, however, with intervention of the elders, have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have filed consent terms before the Family Court at Bandra, Mumbai. Copy of the Consent Terms is placed on record. Pursuant to the understanding arrived between the parties, they have approached this Court for quashing the subject FIR. We have perused the consent terms and the Consent Terms state that parties are ready to take Divorce by Mutual consent. Respondent has filed separate affidavit dated 18th June 2019.

In paragraph nos.6 and 7, she has given no objection. For quashing of the FIR.

5 Applicant in Criminal Application No.616/19 and the complainant both state that they will abide by the Consent terms. This statement made by the applicant in Criminal Application No.616/19 and the complainant is accepted.

6 Respondent no.2 is personally present in the Court. The respondent no.2 is specifically asked that whether she has gone through the affidavit and has understood the contents thereof. She answers in the positive and states that she has no objection if the subject FIR is quashed and set-aside. She has further confirmed that that she is giving no objection for quashing the said 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 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 subject FIR i.e. FIR No.48 of 2017 deserves to be quashed and set aside and is accordingly quashed in exercise of the inherent jurisdiction of this Court.

Both Criminal Applications are disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)