

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

WRIT PETITION NO. 4576 OF 2018

Devesh Deepchandra Pandey

.. Petitioner

Vs.

The State of Maharashtra
& Anr.

.. Respondents

Mr. P.R. Toshnival for petitioner.

Ms. Sangita Shinde, APP for respondent No.1-State.

Mr.Chetan S. Damre for respondent No.2.

Mr.Devesh Deepchandra Pandey-petitioner present.

Ms.Preetika Devesh Pandey-respondent No.1 present.

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

DATE : 21ST AUGUST 2019

P.C.

1 Heard the learned counsel for the petitioner, the learned counsel for the respondent No.2 and the learned APP for State.

2 The petition is filed for quashing and setting aside C.R No. 0151/2018 dated 19th April 2018 registered at Kharghar Police Station, Dist. Navi Mumbai, at the instance of the respondent No.2, for the offences punishable under sections 498-A and 406 of the Indian Penal Code, 1860 ('IPC').

3 Petitioner and the respondent No.2 are husband and wife. Marital discord 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. Pending investigation, the parties have settled their dispute amicably, and, in pursuance of an understanding arrived at between them, have filed consent terms dated 10th July 2019 in H.M.P. No.278 of 2015 before the learned Civil Judge, Senior Division, Panvel. Under the consent terms, parties agreed to dissolve their marriage by mutual consent under the provision of section 13-B of Hindu Marriage Act, 1955. The petitioner agreed to pay the respondent No.2 an amount of Rs.37,00,000/- towards permanent maintenance to the petitioner and his daughter-Devika. The petitioner also agreed to return the Stridhan to the respondent No.2.

4 In pursuance of the consent terms, the parties have now approached this Court for quashing and setting aside the subject FIR. Respondent No.2 has accordingly filed an affidavit dated 20th July 2019 and, in paragraph 4 of the affidavit, has given no objection for quashing and setting-aside the subject FIR. The respondent No.2 is personally present before the Court and made statement across the bar that, as of today, she has received an amount of Rs.15 lakhs out of Rs.37 lakhs and the balance amount of Rs.22 lakhs will be given by the petitioner on dissolution of the marriage. The statement is accepted.

5 On the specific query of the Court, respondent No.2 stated that she has gone through the petition and affidavit as well and has fully

understood the contents thereof. Respondent No.2 has further confirmed that she has given no objection for quashing the subject FIR on her own free will and without there being any pressure or coercion.

6 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.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 FIR is required to be quashed.

7 The petition is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]

1 AIR 2003 SC 1386