

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.398 OF 2021

Amitkumar Ramashray Jha and another	 Applicants
Versus	
The State of Maharashtra and another	 Respondents

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Mr. Sandeep Dubey, Advocate for the Applicants.

Mr. K.V. Saste, APP for Respondent No.1 -State.

Mr. Shambhu M. Jha, Advocate a/w. Pratiksha Chaubey, for Respondent No.2.

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**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 21 DECEMBER 2021

P.C.

Heard the learned counsel for the parties. Taken up for disposal.

2. The application is filed for the following relief:

“(a) This Hon’ble Court be pleased to quash the F.I.R. bearing C.R. No.0086 of 2020 dated 23/01/2020 being registered with Tulinj Police Station for offences punishable U/s. 498(A), 323, 504 r/w. 34 of IPC, in the interest of justice;”

3. The reason for quashing of FIR in this case is that the Applicants and Respondent No.2 have settled their dispute and that the divorce by mutual consent is already granted on 27 September

2020. The Respondent No.2 filed the FIR under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code alleging that she was subjected to mental and physical cruelty and demands of dowry.

4. The Respondent No.1 and the Applicant No.1 have executed the consent terms. Affidavit-in-reply is also filed by Respondent No.2 wherein she has given consent for quashing of the FIR. The order passed by the learned Civil Judge, Senior Division, Vasai in Marriage Petition No.223/2021 is on record. The contents of the affidavit have been reiterated by the learned counsel for Respondent No.2 on instructions from Respondent No.2 stated to be present in the Court as identified by the learned counsel for Respondent No.2.

5. The dispute that led to filing of the FIR is the matrimonial dispute, which is now resolved and divorce by mutual consent is also granted. No purpose will be served in keeping the prosecution pending and in fact keeping the same pending would be against interest of justice. Considering these aspects, a case is made out for exercise of extraordinary jurisdiction of this Court. Accordingly, the application is allowed in terms of prayer clause (a) as above.

6. The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)