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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.51 OF 2022

Mr. Nikhil Deodas Shah & Ors.Applicants
Versus
The State of Maharashtra & Anr.Respondents

Mr. S.R. Nargolkar a/w. Mr. Arjun Kadam for the Applicants.

Mr. Shailesh S. Redekar for Respondent No.2.

Ms. M.H. Mhatre, APP for Respondent-State.

**CORAM : PRASANNA B. VARALE &
SURENDRA P. TAVADE, JJ.**

DATE : 15th FEBRUARY, 2022.

P.C. :

1. Heard Mr.Nargolkar, learned counsel for the Applicants, Mr.Redekar, learned counsel for Respondent No.2 and Ms.Mhatre, learned APP for the State.

2. The applicants have approached this Court for seeking quashment of FIR No.510/2019 registered on 11.08.2019 with Ghatkopar Police Station, Thane for offence u/s.498(A), 406, 323, 504 of the Indian Penal Code, 1860 against the applicants.

3. The few facts giving rise to the application can be summarized as follows:-

Applicant No.1 is a husband of Respondent No.2 and Applicant

Nos.2 and 3 are the in-laws of Respondent No.2. The marriage between Applicant No.1 and Respondent No.2 was solemnized on 26.11.2015 as per Hindu Rites and Rituals.

4. It seems that within a short span after marriage, there was a matrimonial discord between Respondent No.2 and her husband and the same prompted to Respondent No.2 to lodge the report against matrimonial relatives as referred above.

5. It is submitted that Applicant No.2 used to insist the IT returns and other documents from Respondent No.2. The applicants were causing mental and physical ill treatment to Respondent No.2. Hence, the FIR bearing Crime No.510 dated 11.08.2019 came to be registered against the Applicants on 11.08.2019 u/s.498(A), 406, 323, 504 of the Indian Penal Code, 1860 by Respondent No.2. During the pendency of present application, Respondent No.2 filed a Petition for Divorce by Mutual Consent bearing No.4037 of 2021 in the Family Court, Bandra, Mumbai on 11.6.2021. In the said Divorce Petition, the parties have filed consent terms. The said consent terms are taken on record at Exhibit B. In view of the Consent Terms, the Family Court, Bandra, Mumbai passed a decree of divorce by mutual consent dated 17.12.2021. In the said consent terms, parties have decided to put an end to the litigation pending between them. In Para 13 of the said consent terms, it was mentioned that Applicant No.1 and Respondent No.2 agree and undertake not to claim any other rights civil or criminal deriving from the said marriage in any changed circumstances.

6. Respondent No.2 is present before this Court. On a specific query made to Respondent No.2 who is personally present before this Court she submitted that on her free will and wish she is recording her no objection for quashment of the FIR against the present applicants.

7. Considering the above referred facts, we are of the opinion that continuation of the proceedings arising out of Crime No.510 of 2019 would be nothing but an act of futility and that learned counsel for the Applicants has made out a case for allowing the application.

8. 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 no purpose would be served by keeping the FIR/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 to be quashed and set aside.

9. In view of the above, the application is allowed in terms of prayer clauses (a) and (b) and is disposed of as such.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)