

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 164 OF 2022**

1. Mr. Primit Pradeepbhai Doshi
2. Mr. Shrenik Pradeepbhai DoshiApplicants

Versus

1. The State of Maharashtra
2. Ms. Poonam Ramesh GandhiRespondents

Mr. Mandar V. Sawant, Advocates for the Applicants.
Mr. K. V. Saste, APP for the State.
Ms. Madhavi M. Mahadik, Advocate for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 6th MAY, 2022.

P.C. :

1. Heard learned counsel and learned APP appearing for the respective parties.
2. By way of present application under Section 482 of the Code of Criminal Procedure, 1973, the applicants have prayed for quashing and setting-aside the FIR No.832 of 2020 registered with Dindoshi Police Station at the instance of respondent No.2, against the applicants for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code, 1860.
3. Applicant No.1 and Respondent No.2 are husband and wife. Applicant No.2 is the brother of applicant No.1. The marriage between

applicant No.1 and respondent No.2 was solemnized on 6th March, 2016. However, due to difference in temperaments, there was marital discord between the parties, which gave rise to filing of criminal as well as civil cases and the subject matter of the present application is one of them. In the meantime, applicant No.1 and respondent No.2 filed a M.J. Petition No.F-5054 of 2021 under Section 13-B of the Hindu Marriage Act, 1955, before the Family Court at Bandra and compromise has been effected between the parties vide Consent Terms dated 2nd August, 2021, which are filed along with the M.J.Petition. The copy of the said M.J.Petition along with consent terms is annexed at pages 20 to 27 of the petition. The said M.J. Petition is pending before the Family Court at Bandra and it is submitted that the decree of divorce could not be passed as the quashing of the subject FIR is awaited.

4. Thus, pending investigation into the FIR, the parties have settled their dispute amicably, and in pursuance of an understanding arrived at between them, they have approached this Court for quashing the subject FIR by consent. Applicant No.1 and respondent No.2 are present before this Court. They stated that they have no grievances against each other and they undertake to abide by the aforesaid consent terms dated 2nd August, 2021. Respondent No.2 has also filed an affidavit dated 9th April 2022. In paragraph 3, she has given her no objection for quashing the subject FIR and has further stated that she is ready and

willing to abide by the the terms and conditions mentioned in the Consent Terms.

5. When this Court put a query to Respondent No.2 who is personally present before the Court, she specifically stated that she has gone through the application and affidavit as well and has fully understood the contents thereof. She further confirmed that she has given no objection for quashing the subject FIR out of her own free will and without there being any undue influence, 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 AIR 2003 SC 1386**, we are of the view that quashing of the subject FIR would be in the interest of of the parties. Besides, no purpose would be served by keeping the FIR 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 is required to be quashed and set-aside.

7. Accordingly, FIR No.832 of 2020 registered with Dindoshi Police Station at the instance of respondent No.2, against the applicants

for the offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code, 1860, is quashed and set-aside. The criminal application stands disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)