

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 998 OF 2021**

Harshit Narendra Pomal and ors.	Applicants
Versus	
The State of Maharashtra and ors.	Respondents

Ms. Yashasvita Apte i/b. Mr.Abhishek A. Sathe, advocate for the applicants.
Mr. Akash K. Kotecha along with Yash Naik and Mr.Vinay Kolapkar i/b.Mr. Sarwadnya Kadtane, advocate for respondent No.2.
Mr. K. V. Saste, APP for the State.
Ms.Komal Pitroda @Pomal, respondent No.2 present.

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

DATE : 28th FEBRUARY, 2022.

P.C. :

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

2. The applicants are before this Court seeking quashment of FIR bearing C.R.No.236 of 2019 registered with MHB Police Station, Mumbai, at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 323, 406, 498A, 504 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.2 are husband and wife. Rest of the applicants are the parents of petitioner No.1. Both applicant No.1 and respondent No.2 are well qualified persons. Marriage between applicant No.1 and respondent No.2 was solemnized on 12th May, 2018. Applicant No.1, at the time of marriage, was residing in Florida, U.S.A.. Within a short span of their marriage, the couple faced marital discord which gave rise to filing of aforesaid FIR against the applicants at the instance of respondent No.2.

4. Pending investigation, the parties have settled their dispute amicably, and have accordingly filed M.J.Petition No.F-3597 of 2021 in the Family Court at Bandra under Section 13(B) of the Hindu Marriage Act, 1955. In the said M.J.Petition, the parties have filed consent terms, the copy of which is placed at page 42 of the present application. The parties have agreed to abide by the consent terms and decided to settle their dispute in view of the said consent terms. Thus, in pursuance of an understanding arrived at between them, they have approached this Court for quashing and setting-aside the subject FIR by consent. Respondent No.2 has filed an affidavit dated 22nd December, 2021. In paragraph 6 thereof, she has given her no objection for quashing and setting-aside the subject FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit as well as the consent terms filed in M.J.Petition and has fully

understood the contents thereof and she has no objection if the subject FIR is quashed and set-aside. She also stated that she is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

5. 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 criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interest of justice, the subject FIR is required to be quashed. The criminal application is, accordingly, made absolute in terms of prayer clause (a) which reads thus :

“(a) that this Hon’ble Court may be pleased to quash and set-side the F.I.R. registered by MHB Police Station being C.R.No.236 of 2019 registered u/s 323, 406, 498A, 504 r/w 34 of the Indian Penal Code at instance of Respondent No.2.”

The criminal application stands disposed of.

6. The applicants have volunteered willingly to deposit certain amount for social cause. Accordingly, we permit the applicants to deposit an amount of Rs.1,00,000/- in Tata Memorial Cancer Hospital, Mumbai, for the use of its philanthropic purposes, having account with Central Bank of India, Account No.1002449683, IFSC Code CBIN0284241 and thereafter produce the receipt thereof on the file of this Court within a period of four weeks from today.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)