

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

WRIT PETITION NO. 5782 OF 2021

Anuj Girish Agarwal & Ors.

...Petitioners

vs.

The State of Maharashtra & Anr.

...Respondents

Mr.Gulestan M. Dubash for Petitioners.

Mr.Manan Jaiswal for Respondent No.2-complainant.

Mr.K.V. Saste, APP for State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 17 JANUARY 2022

P.C. :

. The Petitioners in this petition have approached this court by way of a present petition under Article 226 of the Constitution of India and under Section 482 of Cr.P.C. seeking quashing of FIR bearing C.R. No.234/2019 registered at Koregaon Police Station, Pune and Criminal Case bearing RCC No.228/2020 before the 8th Joint Civil Judge, Junior Division & JMFC, Pune, for the offences punishable under Section 498-A, 406 read with 34 of IPC registered at the instance of Respondent No.2.

2. Petitioner No.1 is the husband of Respondent No.2, informant. Their marriage was solemnized on 7 February 2010. Petitioner Nos.2 and 3 are the father-in-law and mother-in-law respectively, of Respondent No.2. Respondent No.2 lodged a criminal complaint against the Petitioners on 5 August 2019 alleging ill-treatment at the hands of the Petitioners for demand of money. Accordingly, offence was registered against the

Petitioners for the offences punishable under Sections 406 and 498-A read with 34 of IPC. Thereafter, various proceedings were filed by Respondent No.2, including Criminal Writ Petition No.5374/2019, Application under Sections 18, 19, 20 and 23 of the Protection of Women from Domestic Violence Act, 2005, Divorce Petition under Section 13(1)(ia) of Hindu Marriage Act, 1956 and proceedings for cancellation of anticipatory bail after the anticipatory bail was granted to the Petitioners.

3. In the meantime, the investigation was completed and chargesheet was filed. During the pendency of all the above referred proceedings, the parties have voluntarily and mutually agreed to resolve their marital disputes in an amicable manner and have entered into consent terms on 30 November 2021 before the learned Family Court at Bandra thereby they have converted the divorce petition into mutually consent divorce petition under Section 13-B of the Hindu Marriage Act. The learned Family Court thereupon disposed of the mutual consent divorce petition on 30 November 2021.

4. In the above referred backdrop, now the Petitioners want that in view of the mutual settlement arrived at between the parties, the FIR in question may be quashed.

5. Heard learned Counsel for the respective parties.

6. After considering the material available on record and the allegations made in the FIR in question, there is no dispute that the allegations are of personal nature and no public element is involved. Thus, we are of the opinion that there is no purpose which can be served even by

allowing the trial to continue.

7. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]**, we find that no purpose would be served by keeping the FIR alive, except ultimately burdening the Criminal Courts which are already overburdened. We are of the view that in the backdrop of the aforesaid fact-situation, the continuation of prosecution of the Petitioners in the instant case will amount to abuse of the process of Court and therefore, it is in the fitness of things to quash the subject FIR in order to secure the ends of justice. We are in agreement with the submission of learned Counsel appearing for the respective parties that continuation of criminal proceedings in the instant case will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

8. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we are of the considered view that there is no impediment in quashing the FIR in question.

9. Accordingly, the writ petition is allowed in terms of prayer clause (a).

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)