

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.526 OF 2015

Sharukh Ashraf Qureshi

..Petitioner.

Versus

State of Maharashtra & Ors.

..Respondents.

Mr. A.M.Saraogi, advocate for petitioner.

Mrs. U.V.Kejriwal, APP for the State.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.

Date : **8th September, 2015.**

P. C. :

Heard learned counsel for the petitioner. We have also heard petitioner, respondent nos.2 and 3 in person.

2 This petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceedings of the F.I.R bearing C.R.No.260 of 2014 registered with Agripada Police Station at Bombay at the instance of respondent no.2 for the offence punishable under Sections 363 and 366 of the Indian Penal Code, 1860.

3 Respondent no.2 is the mother of respondent no.3. Respondent no.2 has filed said F.I.R. dated 23.9.2014. F.I.R. itself reveals that petitioner and respondent no.3 were in love with each other. In paragraph 4 of the petition, petitioner has specifically made averment that he and respondent no.3 were in love with each other and accordingly, respondent no.3 had willingly left the company of her parents and when the petitioner realized the said facts, it was the petitioner who brought her back before the police authorities and thereafter the petitioner came to be arrested, and has been released on bail. In paragraph 5, he has further stated that though the respondent no.3 at the time of incident in question was minor, subsequent to attaining the age of majority, he married with respondent no.3 on 22.1.2015. Certificate to that effect is annexed at Ex.'B' of this petition. It is also averred that petitioner and respondent no.3 are husband and wife and are living together.

4 Respondent no.2 as well as respondent no.3 have filed separate affidavits. In paragraph 2, they have given no objection to quash the subject F.I.R. Respondent nos.2 and 3 are personally present before this Court. They admit contents of the petition.

Respondent no.3 also states that she is married with the petitioner and residing with him as his wife. Respondent no.2 confirmed that the marriage between the petitioner and the respondent no.3 was solemnized on 22.2015. She stated that petitioner and respondent no.3 are staying together as husband and wife and, therefore, she has no objection to quash the proceedings of the subject F.I.R. Petitioner on specific query also stated that he is married with respondent no.3 and he is duty bound to properly maintain her.

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 quashing of the subject FIR would be in the interest of respondent No.3. Besides, 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 interests of justice, the subject FIR is required to be quashed. The petition is,

accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.