

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 397 OF 2015

Lais Abdul Hamid Shaikh.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Ms. Y. A. Shaikh for the Applicant.

Mr. R. A. Shaikh for Respondent No. 2.

Mrs. P. H. Kantharia, learned APP for the State.

Coram : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

Date : **April 28, 2015.**

P. C. :

1. This is application under section 482 of the Code of Criminal Procedure, 1973, seeking to quash the FIR No. 627 of 2014 registered at Malwani Police Station against the Applicant. The said FIR is registered at the instance of Respondent No. 2 for the offence punishable under sections 324, 504 and 506 of the Indian Penal Code, 1860.

2. The Applicant and Respondent No.2 are the husband and wife. Matrimonial disputes between the parties gave rise to the filing of subject FIR. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR, with the help and

intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement. Pursuant to the same, present application is filed quashing the above FIR, by consent of Respondent No. 2

3. In the present application, filed under section 482 of the Code of Criminal Procedure, 1973, Respondent No.2 has sworn an affidavit dated 24th April 2015 and supported the application. In paragraph 7 of the said affidavit, she has stated she has given her full and absolute consent and no objection for quashing the FIR 567 of 2014 registered at Malwani Police Station against the the Applicant.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the FIR bearing No. 627 of 2014 initiated by her against the Applicant.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of FIR, it transpires that the allegations are totally personal in nature.

There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. 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 putting the parties, who are spouses, to further hardship and inconvenience and burdening the Criminal Courts which are already overburdened.

6. 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 subject FIR. In the light of above, FIR bearing No.627 of 2014 dated 5/12/2014 registered at Malwani Police Station is hereby quashed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]