

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4077 OF 2015

Smt. Mala Pawar.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Ms. K. H. Rajani i/b Jaideep V. Thakker for the Petitioner.

Mrs. S. V. Sonavane, learned APP for the State.

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

Date : **October 13, 2015.**

P. C. :

1. This is petition under Article 226 of the Constitution of India and also under section 482 of the Code of Criminal Procedure, 1973, whereunder the Complainant is seeking to quash her own FIR registered with Thane Nagar Police Station, being FIR No. I-180 of 2014. The FIR is against Respondent No. 1 and 2 for the offence punishable under sections 354, 324, 323 and 427 read with 34 of IPC.

2. Petitioner stood in relation to Respondent No.2 as mother-in-law, as her daughter was married to him. Respondent No.3 is the sister of Respondent No.2. There were matrimonial disputes between the Petitioner's daughter and Respondent No. 2 which led to the filing of civil and criminal proceedings by them. Learned Counsel appearing for the Petitioner submitted that marriage between the Petitioner's daughter and Respondent No.

2 is already dissolved by a decree of divorce and her daughter wants to get re-married. She further submitted that in accordance with the understanding arrived at between the parties, she does not wish to proceed further with the prosecution of her FIR.

3. The Petitioner is personally present before the Court. She is identified by the Advocate on record. On specific query made by us, she submitted that she has filed the present writ petition on her own accord and free will, without there being any pressure or undue influence. She has further confirmed that she wants to put at rest the acrimonious relationship and therefore wants to quash the subject FIR against Respondent Nos.2 and 3 filed by herself.

4. 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. The offence alleged cannot be said to have any impact on the society. Besides, the Petitioner's daughter is looking for remarriage. Therefore, putting an end to litigation is in the interests of the Petitioner and her daughter. 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.

5. 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 criminal proceedings. In the backdrop of above, petition is made absolute in terms of prayer clause (b).

[R. G. KETKAR, J.]

[RANJIT MORE, J.]