

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3830 OF 2015

Raunaq Singh Hanspal and others	... Petitioners
Vs.	
Sherina Kaur Kapany and another	... Respondents

Ms M. A. Ingale for Petitioners.
Ms Namita Maneshinde for Respondent No.1.
Mrs. M. H. Mhatre, APP for Respondent No.2-State.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 01ST OCTOBER, 2015.

PC:

Heard learned Counsel appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Criminal Procedure Code, 1973 for quashing and setting aside the FIR bearing C.R. No. 173 of 2014 registered with Versova Police Station, Mumbai. The said FIR was registered against the petitioners at the instance of respondent No.1 for the offences punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code, 1860 (for short “the IPC”).

3. Petitioner No.1 and respondent No.1 are husband and wife. Rest of the petitioners are the family members of the petitioner No.1. The

matrimonial dispute between the parties gave rise to filing of several proceedings in Civil as well as Criminal Courts. The subject matter of the present Petition is one of them.

4. Pending investigation, the parties have settled their dispute amicably. In pursuance of an understanding arrived at between the parties, they have approached this Court for quashing and setting-aside the subject FIR by consent. Respondent No.1 has filed affidavit dated 01.10.2015. In paragraph 7, she has given her no objection for quashing and setting-aside the subject FIR. Respondent No.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has understood the contents thereof and she has no objection if the subject FIR is quashed and set-aside.

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.1. 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 and set-aside. Thus, the FIR bearing C.R. No. 173 of 2014 registered with Versova Police Station, Mumbai is quashed and set-aside and the Criminal Writ Petition is allowed in terms of prayer clause (a).

7. During investigation, Versova police have recovered respondent No.1's Stridhan from the petitioner No.1 under Panchnama dated 29.11.2014, copy of which is annexed at page 34 of the Petition. Petitioner No.1 has no objection to return the Stridhan to the respondent No.1. In that view of the matter, Investigation Officer of C.R.No. 173 of 2014 registered with Versova Police Station, Mumbai is directed to return the Stridhan to the respondent No.1 on making appropriate application.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

Minal Parab

CERTIFICATE

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