

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

CRIMINAL WRIT PETITION NO. 4734 OF 20015

Mohammad Arif Akbar Husain Khan and ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. A.A. Siddiqui, i/b A.A. Siddiqui & Associates, for the Petitioner.
Mr. K.V. Saste, APP for the State.
Mr. S.R. Gaud, for Respondent No. 3.

**CORAM : RANJIT MORE &
 V.L. ACHLIYA, JJ.**
DATE : 16th DECEMBER 2015

P.C. :

1. Learned Counsel for the Petitioner, at the outset, seeks leave to amend the cause title of the Petition so as to add necessary parties. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. Heard learned Counsel for the respective parties and learned APP.

3. The Petition is filed under Article 226 of the Constitution

of India read with Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside FIR being C.R. No. 442 of 2014 registered with Shivaji Nagar Police Station, Mumbai, at the instance of Respondent No. 3, for the offences punishable under Sections 498A, 406, 494, 506 (II), 420, 504 read with Section 34 of the Indian Penal Code, 1860 and Section 4 of Dowry Act.

4. Petitioner No.1 and Respondent No. 3 are husband and wife. Rest of the Petitioners are the family members of Petitioner No.1. Marital dispute between the parties gave rise to filing of the subject FIR.

5. Pending investigation, the parties settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the subject FIR by consent. Respondent No. 3 has filed an affidavit dated 16th December 2015. In paragraph 7, she has given her no objection for quashing and setting-aside the subject FIR. Respondent No. 3 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. She also stated

that she is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

6. 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 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.

[V.L. ACHLIYA, J.]

[RANJIT MORE, J.]