

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

WRIT PETITION NO.178 OF 2016

Mr. Mohammad Siraj Yusuf Shaikh & Ors.Petitioners
V/s.
The State of Maharashtra & Anr.Respondents.

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Mr. V.S.Vanjara, Advocate for the Petitioners.
Mrs. S.V.Sonavane, APP for the State.
Mr. J.G.Shetty, Advocate for the Respondent No.2.

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**CORAM : RANJIT MORE &
A. K. MENON, JJ.**

DATE : 19TH JANUARY, 2016.

PC.:

Heard learned counsel for the respective parties and the
learned APP for the State.

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 F.I.R. bearing C.R.No.226 of 2015 registered with Worli Police Station, Bombay at the instance of the Respondent No.2 for the offences punishable under Sections 498(A), 494, 406, 323, 504, 406 read with Section 34 of the Indian Penal Code, 1860.

3 The Petitioner No.1 and the Respondent No.2 were married on 31.8.2013 as per the Muslim rites and Shariat Laws. Rest of the Petitioners are family members of the Petitioner No.1. Matrimonial disputes between the parties gave rise to the filing of civil as well as criminal cases. The subject F.I.R. is one of them. Parties, however, settled their disputes amicably and accordingly, marriage is dissolved in pursuance of an understanding arrived at between them. Now they have approached this Court for quashing the subject F.I.R. by consent. Respondent No.2 has filed affidavit affirmed on 12.1.2016. In paragraphs 6 and 7, she has given no objection to quash the subject F.I.R. Respondent no.2 is personally present before this 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.

4 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.2. 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 (i) and is disposed of as such.

(A. K. MENON, J.)

(RANJIT MORE, J.)