

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

CRIMINAL APPLICATION NO.86 OF 2016

Mohammed Farhan Shakir & Ors. ..Applicants
V/s.
State of Maharashtra & Anr. .. Respondents

Mr.K.S.Garg for the Applicant.
Mrs.M.M.Deshmukh, APP for the State.
Mr.Amey Kulkarni for Respondent No.2.

**CORAM : RANJIT MORE &
K. R. SHRIRAM, JJ.**

DATE : 28th JANUARY 2016.

P.C.

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

2. Application is filed for quashing and setting aside the FIR bearing C.R.No.373 of 2015 registered with Ghatkopar Police Station, at the instance of respondent no.3 for an offence punishable under sections 498A,406,323,504 and 506 read with section 34 of the Indian Penal Code.

3. The Applicant No.1 and Respondent No.2 are husband and wife and the Applicant no.2 and 3 are parents of the Applicant No.1. The matrimonial dispute between the parties gave rise to filing of the FIR which is the subject matter of the present application. Parties however, settled their dispute amicably and they are desirous to co-habit again and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the subject FIR by consent.

4. The respondent no.2 has filed an affidavit dated 22-01-2016. In paragraph no.7, she has given her no objection for quashing and setting-aside the subject FIR. Respondent No.2 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.

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 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. Accordingly the FIR bearing C.R.No.373 of 2015 registered with Ghatkopar Police Station is quashed as against all accused including the applicants.

6. In view of the above, the Criminal Application stands disposed of.

(K. R. SHRIRAM, J)

(RANJIT MORE, J.)