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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE SIDE****WRIT PETITION NO.1008 OF 2016**

Mrs. Asgar Ali Choudhary and Ors. .. Petitioners

Versus

State of Maharashtra and anr. ... Respondents

ALONG WITH
WRIT PETITION NO. 1074 OF 2016

Mohammad Shoeb Mohammad Salim Khan
 and Ors. ... Petitioners

Versus

Mrs.Firdos Mohammad Shoeb Khan and anr. ... Respondents

Mr. T.V. Chavn i/by Pradip Chavan and Associates for Petitioners
 in WP No. 1074 of 2016 and for respondents in WP No. 1074 of
 2016.

Mr. Bhavesh Thakur i/by Mr. Rahul Arote for the petitioners in WP
 No. 1074 of 2016 and for respondents in WP No. 1008 of 2016.

Mrs. U.V. Kejriwal, APP for the State.

Mr. Jayendra Sawant I.O. Present.

CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.
DATED : APRIL 06, 2016.

P.C.

1. By these petitions, parties are praying for quashing of rival
 FIRs filed by them against each other. As such both petitions are

being disposed of by this common order.

2. By filing writ petition bearing No.1008 of 2016 petitioners/wife and her parents are challenging FIR in Crime No. 116 of 2013 for the offence punishable under sections 447, 380, 504, 506(II), 427 read with 34 of Indian Penal Code registered against them at the instance of Mohd. Salim Khan, father in law of petitioner no. 4 Mrs. Firdos Shoeb Khan. By filing Writ Petition bearing No.1074 of 2016, petitioners/husband and parents in law of respondent no. 1 Mrs. Firdos Mohammad Shoeb Khan are challenging the FIR vide Crime No. 367 of 2011 registered against them at Worli Police Station for the offence punishable under sections 498A, 406, 506(2) read with 34 of Indian Penal Code and consequential Criminal Case bearing No.1067/PW of 2012 pending before learned Metropolitan Magistrate, 62nd Court, Bhoiwada, Mumbai.

3. Learned counsel appearing for both parties have unanimously submitted that considering the fact that the parties want to live their lives happily and as there was no possibility of reconciliation of matrimonial dispute, husband and wife decided to part their ways and accordingly consent terms came to be filed

before the Family Court, Mumbai. Both learned counsel pointed out that husband Mohd. Khan has already deposited an amount of Rs.14 lacs in the Family Court in terms of the consent terms. According to learned counsel for both parties, parties have decided to resolve the matrimonial dispute and they have unanimously come to the conclusion that both FIRs and consequential proceedings need to be quashed in order to maintain peace and harmony in their lives.

4. We have heard the learned APP for the State.

5. Informant Mohd Khan/father in law in Crime No. 116 of 2013 so also the informant Mrs. Firdosh Khan/wife in Crime No. 367 of 2011, registered at Worli Police Station are present before this Court. They are duly identified by their learned counsel. Upon being asked, both these informants have unanimously stated before the Court that they do not wish to continue the prosecution and want that both FIRs be quashed. Accordingly informants have also tendered the consent terms so also their affidavits.

6. Both FIRs are arising out of matrimonial disputes. Parties have voluntarily chosen to part their ways. It is seen that they want harmony in their lives instead of facing prosecution

launched by each other. The dispute between the parties is a personal dispute and public law element is not involved. As such continuation of the prosecution against them would result in abuse of process of the Court. No fruitful purpose would be achieved by continuation of such proceedings. In the result, both petitions deserved to be allowed. Hence, the order :

- (a) Both petitions are allowed.
- (b) FIR bearing Crime No.116 of 2013 registered against petitioners in Writ Petition No.1008 of 2016 at the instance of Mohd. Khan (respondent no. 2) for the offence punishable under sections 447, 380, 504, 506(II), 427 read with 34 of Indian Penal Code with Worli Police Station, Mumbai and consequential proceedings are quashed and set aside.
- (c) FIR bearing Crime No. 367 of 2011 registered against the petitioners in Writ Petition No. 1074 of 2016 and consequential Criminal Case No. 1067/PW/2012 registered against petitioners therein at the instance of Mrs. Firdos Khan (respondent no. 1) for the offence punishable under sections 498A, 506, 406 read with 34 of Indian Penal Code pending on the file of Metropolitan Magistrate, 62nd Court, at Bhoiwada is quashed and set aside.

(A.M. BADAR,J.)

(NARESH H. PATIL, J.)