

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

CRIMINAL APPLICATION NO.1291 OF 2015

Ishrat Wasim Mansuri & Anr. ..Applicants
V/s.
The State of Maharashtra & Anr. .. Respondents

**WITH
CRIMINAL APPLICATION NO.1298 OF 2015**

Faraj Bashir Mansuri & Ors. ..Applicants
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.H.E.Palwe for the Applicant.
Mr.Chetan S. Damle, for Respondent No.2
Mrs.U.V.Kejriwal, APP for the State.

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

DATE : 28th JANUARY 2016.

P.C.

1. Above applications are being disposed of by this common order since they arise out of the same FIR.

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

3. Both the applications are taken out under section 482 of Criminal Procedure Code for quashing and setting aside the FIR bearing C.R.No.I-278/2012 registered with Bhadrakali Police Station, Nashik, at the instance of respondent no.2 for the offences punishable under section 498-A, 323, 504 read with 34 of Indian Penal Code, 1860.

4. The Applicant No.1 in Criminal Application No.1298 of 2015 and the Respondent No.2 therein are husband and wife. Rest of the applicants in that application and the applicants in Criminal Application No.1291 of 2015 are the in-laws of the Respondent No.2 and family members of the Applicant No.1 in Criminal Application No.1298 of 2015. The marital discord between the parties gave rise to filing of the FIR, which is the subject matter of the present applications.

5. Pending investigation, the parties have settled their dispute amicably and in pursuance of an understanding between them have arrived at settlement, and have accordingly filed the consent terms dated 28th January 2016. The consent

terms are signed by the Applicant No.1 and Respondent No.2 i.e. husband and wife along with their respective family members. The same are taken on record and marked as Exh-X for identification. In para no.1, the respondent no.2 has agreed 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 consent terms 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.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 applications are, accordingly, made absolute in terms of prayer clause (A) and are disposed of as such.

(K. R. SHRIRAM, J)

(RANJIT MORE, J.)