

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.685 OF 2017

Mr. Arshad Husain Syed and ors.	Petitioners
versus	
The State of Maharashtra and anr.	Respondents

Ms. Tahera Qureshi, advocate for the petitioners.
Mr. N. B. Patil, APP for the State.
Ms. Farhana Shah, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 10th JULY, 2017.

P. C. :

Mentioned for production. Upon mentioning, taken up on production board.

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

3. The petition is filed for quashing and setting-aside FIR bearing C.R. 237 of 2015 registered with Sir J.J. Marg Police Station, Mumbai, at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 498-A and 406 read with Section 34 of the Indian Penal Code, 1860.

4. The petitioner No.1 and respondent No.2 got married on 27th May, 2013. Rest of the petitioners are the relatives of the petitioner No.1. Matrimonial dispute between the parties gave rise to filing of the subject FIR.

5. Pending investigation, the parties have 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. The respondent No.2 has filed an affidavit dated 22nd February, 2017. In paragraph 8 thereof, she has given her no objection for quashing the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and the affidavit as well and has understood the contents thereof. She also confirmed that she is giving no objection for quashing the subject 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 petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]