

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.331 OF 2017

Mr. Abdul Mutallib Ansari & Ors.] ... Applicants

Versus

1. The State of Maharashtra,]
 2. Mrs. Ayesha Begum W/o. Abdul]
 Mutallib Ansari.] ... Respondents

Mr. R. S. Lodhi for Applicants.

Mr. S. R. Shinde, APP for State.

Ms. Neelam B. Ghorpade for Respondent No.2.

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

DATE :- 03 AUGUST, 2017

P. C. :-

1. Heard the learned Advocate for applicants, the learned Advocate for respondent no.2 and the learned APP.

2. The application is filed for quashing and setting aside the FIR bearing C. R. No. 303 of 2016 registered with Sahar Police Station, Mumbai. The said FIR is registered against the applicants at the instance of the respondent no.2 for the offences punishable under Sections 498A, 323, 406, 506 and 507 r/w 34 of the IPC.

3. The applicant no.1 and the respondent no.2 are the husband and wife. The applicant nos.2 and 3 are the relations of the applicant no.1. The marital discord between the parties gave rise registration of the subject FIR.

4. Pending investigation of the subject FIR, with the intervention of the elders and well-wishers, the parties settled their dispute amicably and in terms of the mutual understanding arrived at between them, they have approached this Court for quashing of the subject FIR by consent.

5. The respondent no.2 has also filed an affidavit dated 21/03/2017. In the paragraph no.6 of the said affidavit, she has given no objection for quashing and setting aside the subject FIR.

6. The respondent no.2 is personally present before the Court. On a specific query, she states that she has gone through the contents of the application and the affidavit and understood the same. She has also stated that she has no objection to quash and set aside the subject FIR. She has also stated that she is giving the no objection out of her free will and without any force or coercion.

8. 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 Vs. State of Haryana*¹, we are of the view that quashing of the proceedings of the criminal case 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 application is, accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ AIR 2003 SC 1386