

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2034 OF 2017

Anjum Akhtar Mirza & Ors.] ... Petitioners

Versus

The State of Maharashtra & Anr.] ... Respondents

Ms. Neelam Ghorpade for Petitioners.
Mr. K. V. Saste, APP for State.
Mr. Imran Farooqui for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 30 JUNE, 2017

P. C. :-

1. Heard the learned Advocate for applicants, the learned Advocate for respondent no.2 and the learned APP.
2. The petition is filed for quashing and setting aside the FIR bearing no.240 of 2016 registered at Meghwadi Police Station, Mumbai. The said FIR is registered against the petitioners at the instance of the respondent no.2 for the offences punishable under Sections 498-A, 406, 323, 504 and 506 r/w 34 of the IPC.

3. The petitioner no.2 and the respondent no.2 were married on 28/02/2015. The rest of the petitioners are the in-laws of the respondent no.2. The matrimonial discord between the parties gave rise to registration of the subject FIR. Pending investigation, the parties, however, settled their dispute amicably. Under the settlement, the petitioner no.1 paid to the respondent no.2 an amount of Rs.3 Lakhs towards full and final claim of alimony. The parties got executed 'Talaknama' before the Kazi and witnesses on 06/05/2017. The respondent no.2 has filed an affidavit dated 18/05/2017. In para 7 of her affidavit, she has given no objection for quashing the subject FIR. Both the petitioner no.1 and the respondent no.2 are present before the Court. On specific query, the respondent no.2 states that she does not want to continue with the subject FIR and she has no objection to quash and set aside the subject FIR against the petitioners. She has also stated she has given consent out of her free will and without any force or coercion.

4. 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

¹ AIR 2003 SC 1386

criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the subject FIR and further proceedings are 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.)