

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

CRIMINAL WRIT PETITION NO.2453 OF 2017

Mohammed Shafique Shaikh	 Petitioner
versus	
The State of Maharashtra & Anr.	... Respondents
.....	

- Mr.Prashant Mishra, Advocate for Petitioner.
- Mr.S.K. Shinde, APP for the State/Respondent.
- Respondent No.2 in person.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**
DATE : 24th JULY, 2017.

P.C. :

1. Heard the learned counsel for the petitioner, respondent No.2 and learned APP.

2. The petition is filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside FIR bearing C.R.No.239/15, registered with Oshiwara Police Station, Mumbai. The said FIR is registered against the petitioner at the

instance of respondent No.2 for the offences punishable u/s 498-A, 406, 325, 504 of the Indian Penal Code.

3. The petitioner and the respondent No.2 are the husband and wife. The matrimonial dispute between the parties gave rise to civil as well as criminal proceedings and the subject FIR came to be registered.
4. Pending investigation of the said FIR, with the intervention of the relatives of the parties, parties have settled their dispute amicably and accordingly have given Memorandum of Understanding dated 14/06/2017, the copy of which is annexed as "Ex.B" at page No.40 of the petition. In pursuance of the said MOU, the parties, have approached this Court for quashing the FIR by consent. The respondent No.2 has filed affidavit dated 24/06/2017. In paragraph No.4, she has given no objection to quash and set aside the subject FIR.
5. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents

thereof and has no objection, if the subject FIR is quashed and set aside. She has also stated 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 vs. 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 subject FIR 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.)