

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2262 OF 2016

Alok Prakash Gurnani & Anr.

.... Petitioners

Vs.

State of Maharashtra & Anr.

.... Respondents

Ms Krupali H. Rajani for the Petitioners.

Mr. K.V. Saste, APP, for the Respondent-State.

Mr. Avinash Lalwani for Respondent No.2.

CORAM: S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.

DATE : MARCH 31, 2017

P.C:

1. Rule. The respondents waive service. By consent, rule is made returnable forthwith and the petition is taken up for final disposal.

2. The FIR is registered at the instance of the second respondent-complainant alleging offences punishable under Sections 498A, 406, 323 and 504 r/w Section 34 of the Indian Penal Code. The FIR, registered at Kopri Police Station on

27-6-2014, is sought to be quashed on the ground that both the complainant/second respondent and one of the accused, namely, the first petitioner before us, Alok Prakash Gurnani, have resumed their matrimonial ties. They are cohabiting and residing peacefully. They have now a child from the marriage. It is only on account of some misunderstanding that the FIR was registered. The wife, who is the complainant, has filed an affidavit in this Court. She is present as well. The first petitioner is also present in the Court. In his presence, we asked her to go through this affidavit relied upon by the petitioners. After going through the same, she confirms the statements therein. She says that the affidavit correctly records the events and post the complaint. She also says that the affidavit bears her signature. Having identified herself and her signature and agreeing with the contents of this affidavit, so also understanding all legal implications which flow from the filing of such an affidavit, that the request is made to quash the FIR.

3. The second petitioner is the mother-in-law of the complainant.

4. The complainant confirms that she has no objection to the proceedings being quashed at the instance of both the petitioners, namely, her husband and the mother-in-law.

5. In the light of the fact that the complaint was registered only on account of a temporary marital discord and misunderstanding and now the couple having resumed the matrimonial ties, the complainant having given birth to a baby girl on 9-4-2016, interest of justice would be served if this criminal writ petition is allowed.

6. Since the larger interests of the society are not affected and the FIR came to be registered only because of a dispute between the husband and wife and misunderstanding between the mother-in-law and the daughter-in-law, we quash the FIR. Rule is made absolute in terms of prayer clause (B). No order as to costs.

(PRAKASH D. NAIK, J.)

(S.C. DHARMADHIKARI, J.)