

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

CRIMINAL WRIT PETITION NO.3005 OF 2018

Imran Sattar Ali & Ors. ..Petitioners
V/s.
The State of Maharashtra & Anr. ..Respondents

Mrs.Ruby Shaikh i/b Shaikh Mohd. Imran for the Petitioners.

Mrs.P.P. Shinde, APP for the Respondent-State.

Ms.Geetanjali Gheewala for the Respondent No.2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 31st OCTOBER 2018

P.C.

1. Heard the learned counsel for the petitioners, learned APP for the respondent-State and learned counsel for respondent No.2.

2. The petition is filed for quashing and setting aside the FIR bearing CR No.167 of 2017 registered with Vinobha Bhawe Nagar Police Station, Kurla, Mumbai, at the instance of the respondent No.2 for an offence punishable under Sections 498(a), 354, 323, 504, 506, 406 read with 34 of the Indian Penal Code.

3. The petitioner No.1 and respondent No.2 are husband and wife. Rest of the petitioners are the relatives of the petitioner No.1. Matrimonial discord between the parties gave rise to filing of several Criminal as well as Civil cases. The subject matter of the present application is one of them.

4. Pending investigation, parties have settled their dispute amicably and accordingly dissolved the marriage. The respondent No.2 also received a amount of Rs.1,15,000/- towards permanent alimony and she has also received all households articles and Stridhan from the petitioner No.1.

5. In light of the above settlement, parties have approached this Court for quashing the subject crime. The respondent No.2 has filed an affidavit. The Respondent No.2 is present before the Court and states that whatever stated in above is true and correct and she has no objection for quashing of FIR. On specific query, he submitted that in view of the settlement of the parties, the subject FIR is quashed and set aside.

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 of as such.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)