

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

CRIMINAL WRIT PETITION NO.4010 OF 2018

Mr.Shabaz Salim Shaikh

..Petitioner

V/s.

Mrs.Rukhsar Shabaz Shaikh & Ors.

..Respondents

Mr.R.V. Gupta for the Petitioner.

Ms.Anjali P. Mishra for the Respondent No.1.

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

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

DATE : 31st OCTOBER 2018

P.C.

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

2. The petition is filed for quashing and setting aside the FIR bearing CR No.118 of 2018 registered with Oshivara Police Station, Mumbai at the instance of the respondent No.1 for an offence punishable under Sections 498(A), 377, 323, 504 and 506 of the Indian Penal Code.

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

4. Pending investigation, parties have settled their dispute amicably. The parties have decided to dissolve the marriage in accordance with Muslim Law and in pursuant to this they have approached this court for quashing subject FIR by consent. Respondent No.1 is accordingly has filed an affidavit dated 31st October 2018. In paragraph Nos.3 and 4 of the affidavit, she has given no objection. The Respondent No.1 is present before the Court. On specific query, she submitted that in view of the settlement of the parties the subject FIR be quashed and set aside.

5. 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 (b) and is disposed of as such.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)