

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4343 of 2014**

Humdan Farooque AlfatmiPetitioner
versus
The Senior Inspector of Police,
Dhule City Police Station and ors.Respondents

Mr. Humdan Farooque Alfatmi, petitioner-in-person.
Mr. F. R. Shaikh, APP for the State.
Mr. Tausif Ansari, advocate for the respondent Nos. 2 and 3.

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

DATE : 23rd OCTOBER, 2018.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing the FIR No.226 of 2014 registered with Dhule City Police Station, at the instance of the respondent No.3, for the offences punishable under sections 363 and 366 read with Section 34 of the Indian Penal Code, 1860.

3. The FIR discloses allegations that the petitioner, his mother and brother abducted the respondent No.2. Pending investigation, the parties settled their dispute amicably and have approached this Court for quashing the subject FIR by consent.

4. The respondent No.2 has filed an affidavit dated 13th November, 2014. In paragraph 6, she has stated that the charges levelled against the petitioner and his family members are totally false and she has further stated that on her own free will and wish without any pressure or fraud or misrepresentation, she accompanied the petitioner and performed marriage as per the provisions of Muslim Personal Law and Islamic Rites. She also stated that she has converted to Islam much prior to her marriage on 18th February, 2013 and this fact was known to her parents. She has further stated that she was major at the time of the incident and was legally competent to decide her fate. She has lastly prayed that the petition be allowed and the subject FIR be quashed and set-aside.

5. The respondent No.3, who is the father of the respondent No.2, has also filed an affidavit dated 8th October, 2018. In paragraph 6, he has given his consent for quashing the subject FIR.

6. Both, the respondent Nos.2 and 3 are present before the Court. On being questioned, they specifically state that they have gone through the petition and their respective affidavits as well and have fully understood the contents thereof. They further confirmed that they

have given no objection for quashing the subject FIR out of their own free will and without there being any pressure or coercion.

7. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires 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 **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. Accordingly, the writ petition is allowed in terms of prayer clause (c) and is disposed of as such.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]