

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1072 OF 2016**

Nadeem Abbas Sonsara ...Applicant
Versus
The State of Maharashtra & anr. ...Respondents

**WITH
CRIMINAL APPLICATION NO. 1288 OF 2016**

Abbas Abdul Rahim Sonsara & anr. ...Applicants
Versus
The State of Maharashtra & anr. ...Respondents

**WITH
CRIMINAL APPLICATION NO. 1291 OF 2016**

Naseer Abbas Sonsara & ors. ...Applicants
Versus
The State of Maharashtra & anr. ...Respondents

Mr. S. P. Nangre, for the Applicants.
Mrs. A. S. Pai, APP for the State/Respondent no.1.
Ms. Razia Shaikh, for Respondent no.2.

**CORAM: RANJIT MORE &
N. J. JAMADAR, JJ
DATED : 11th OCTOBER, 2019**

PC:-

1. Heard Mr. Nangre, the learned Counsel for the applicants, Mrs. Pai, the learned APP for the State and Ms. Shaikh, the learned Counsel for respondent No.2.
2. The applications are filed for quashing and setting aside First Information Report ("FIR") bearing CR No.559 of 2015 registered with Oshiwara Police Station, Mumbai, at the

instance of respondent No.2, for the offences punishable under Sections 498-A, 406, 323, 506 read with 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act,1961.

3. The applicant, namely, Nadeem in Application No.1072/2016 and respondent no.2 are husband and wife. Applicants in Application Nos.1288/2016 and 1291/2016 are the in-laws of respondent no.2.

4. The marriage of Nadeem and respondent no.2 was solemnized on 23rd March, 2007 and out of wedlock a daughter Aisha was born on 24th July, 2010. The marital discord between the parties gave rise to filing of the subject FIR.

5. Pending investigation, with the intervention of the elderly relatives in the family and well wishers, parties have settled their disputes amicably and accordingly filed consent terms before the Railway Mobile Court at Andheri, Mumbai, in D. V. Application No.211/DV/2016. In terms of the understanding between the parties, now they have approached this Court for quashing the subject FIR. Respondent No.2 has filed separate affidavits in each application dated 16th March 2019, and in paragraphs 17 and 18 thereof, she stated that they have agreed to settle all

disputes amicably and ready and willing to withdraw all allegations against each other. In the said affidavit, respondent No.2 has stated that she has no grievance against the applicants and she has filed affidavit on her own free will and volition and without any force or undue coercion or any connivance or collusion with any person. The applicant, Nadeem, has also filed separate affidavit dated 7th October, 2019. In paragraph 4 of the affidavit, he has made following statement:

“4. I say that the custody of daughter Aisha is studying in Bombay Cambridge International School situated at Caesar Road, Amboli, Andheri (West), Mumbai – 400 058. I say that I undertake to look after her education. I undertake to pay her annual school fess and annual college fees for the education undertaken in India, by daughter Aisha I say that annual school fess and annual college fees will be directly deposited by me in school and college. I also undertake to do her marriage, participate in the wedding and pay for the expenses incurred in the wedding ceremony, according to my financial status.”

6. The applicants and Respondent No.2 are personally present before the Court. On specific query made by us, they stated that they will comply with the consent terms referred above. The applicant, Nadeem, in addition to this also stated that he will comply with the statement made in his additional affidavit dated 7th October, 2019 (extracted above). The statement of both the parties are accepted. In addition to this respondent no.2 stated that she has no objection for

quashing the subject FIR in view of the settlement between herself and the applicants.

7. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the FIR, makes it clear that the allegations are totally personal in nature. No element of public law is involved. The genesis of the FIR is in marital discord, which the parties have amicably resolved. In these circumstances and, especially, in view of the law laid down by the Apex Court in the case of *B. S. Joshi & Ors. Versus State of Haryana*,¹ we are of the view that quashing of the FIR would be in the interest of respondent No.2 also. 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 interest of justice, the proceeding of the subject FIR is required to be quashed.

8. The applications are, accordingly, made absolute in terms of prayer clause (a) and stand disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]

1 AIR 2003 SC 1386.