

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 1256 OF 2018**

Sohel Ahmed Khan s/o Zamir Ahmed Khan  
& ors.

...Applicants

**Versus**

State of Maharashtra & anr.

...Respondents

Mr. H. I. Pathan, for the Applicants.  
Ms. Sangita Shinde, APP for the State/Respondent.  
Mr. K. P. Sayed, for Respondent no.2.

**CORAM: RANJIT MORE &  
N. J. JAMADAR, JJ  
DATED: 24<sup>th</sup> SEPTEMBER, 2019**

**PC:-**

1. Heard Mr. Pathan, the learned counsel for the applicants, Ms. Shinde, the learned APP for the State and Mr. Sayed, the learned Counsel for respondent No.2.
2. The application is filed for quashing and setting aside the First Information Report ("FIR") bearing CR. No.101 of 2017, dated 4<sup>th</sup> April, 2017, registered with Kalwa Police Station, District Thane, at the instance of respondent No.2, for the offences punishable under sections 498-A, 406, 327, 504, 506 read with 34 of the Indian Penal Code, 1860.
3. Applicant No.1 and respondent No.2 got married on 4<sup>th</sup> November, 2013. The rest of the applicants are the relatives of applicant No.1. Marital discord between applicant no.1 and

respondent no.2 gave rise to filing of the subject FIR.

4. Pending investigation, with the intervention of the elderly relatives in the family and well wishers, parties have settled their disputes amicably and executed an agreement dated 27<sup>th</sup> July, 2018. Copy of the agreement is annexed at page 34 'Exhibit-C'. By this agreement, the marriage between applicant no.1 and respondent no.2 is dissolved by Talaq dated 27<sup>th</sup> July, 2018. It has been accepted by respondent no.2. In pursuance of the above understanding arrived at between the parties, they have approached this Court for quashing and setting aside the subject FIR.

5. The parties have produced a compromise pursis dated 24<sup>th</sup> September, 2019. The compromise pursis is signed by the applicants and respondent no.2 and their respective counsels. The compromise pursis is taken on record and marked 'X' for identification. In paragraph 3 thereof, respondent no.2 made a statement that she does not want to proceed with the subject FIR and gave no objection for quashing and setting aside the subject FIR.

6. The applicants and respondent no.2 are personally present in the Court. On specific query made by us, respondent No.2 has stated that she has no objection for quashing the subject FIR in view of the settlement between

herself and the applicant no.1.

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*<sup>1</sup>, 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 proceedings of the subject FIR is required to be quashed.

8. The application is, accordingly, made absolute in terms of prayer clause (B) and stands disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]

---

<sup>1</sup>AIR 2003 SC 1386.