

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

CRIMINAL WRIT PETITION NO. 3919 OF 2011

Sonam @ Sonya Balaso Shinde
& Ors.

.. Petitioners

Vs.

The State of Maharashtra
& Anr.

.. Respondents

Mr. Balvant Patole for petitioners.

Mr. K.V. Saste, APP for respondent No.1-State.

Mr.S.D. Patil for respondent No.2.

**CORAM : RANJIT MORE &
N.J. JAMADAR, JJ.**

DATE : 9TH OCTOBER 2019

P.C.

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

2. The petition is filed for quashing and setting aside the first information report bearing C.R.No.62 of 2011, registered at the instance of the respondent No.2 with Islampur Police Station, Islampur, for the offences punishable under sections 363, 366, 420

read with section 34 of the Indian Penal Code.

3. The petitioner Nos.1, 3, 4 and 5 were arraigned as accused in the said crime. The petitioner No.2 is the daughter of the respondent No.2 and the main allegation in the complaint is that the petitioner Nos.1, 3, 4 and 5 in collusion, kidnapped the petitioner No.2 from the respondent No.2. Subsequent to the lodging of the FIR, the petitioner Nos.1 and 2 got married on 30th August 2011. Their Marriage Certificate is annexed to the petition at Exh.'D'.

4. Initially, the petition was filed for quashing the subject FIR on merits and the contention was that the petitioner No.2, on her own eloped with the petitioner no.1 as they were in love relationship and the FIR was filed by the respondent No.2 since he did not approve the said marriage. The petition was placed before this Court for admission on 30th January 2012. The Division Bench of this Court (Coram : V.M. Kanade & P.D. Kode, JJ.) noted the facts of the petition, and thereafter issued notice to the respondent No.2. The parties have moved this Court today on the ground that the dispute between the parties has now been settled and, therefore, seeking quashment of the subject FIR by consent.

5. The respondent No.2, accordingly, has filed an affidavit dated 3rd October 2019 and in paragraphs 2, 3, 4, 5 and 6, she has made the following averments :

“2 I say that due to misunderstanding between Petitioners and me, there were differences amongst each other and therefore the said Complaint lodged.

3 I say that the Petitioner No.2 is my daughter and she got married with Petitioner No.1 on 15.09.2011 and the same has been registered before the Marriage Officer, Sangli vide Registration Certificate of Marriage bearing No. 97 of 2011 dated 30.08.2011. Now my daughter, i.e., Petitioner No.2 is happily residing with her in laws, i.e., co-petitioners in their matrimonial house since from the date of marriage. I further say that out of the said wedlock they have two issues, i.e., Shreya Sonam Shinde, Age : 8 yrs. And Shritej Sonam Shinde, Age : 1 year.

4 I say that now all the misunderstandings between me and Petitioners are came to an end. Therefore all the differences between me and Petitioners are settled. I say that, I do not have any grievances against the Petitioners. I say that entire dispute has been finally put to rest and I have settled all the disputes amicably with the Petitioners.

5 I say that, I am aware that, the present Writ Petition is filed for quashing of the complaint lodged by me before Islampur Police Station on 19.04.2011 vide C.R. No. 62/2011 and all the subsequent proceedings arising out of the said complaint. I say that on 20.10.2012, the present Petition was listed for hearing at Pre-Admission stage, this Hon'ble Court, after hearing both the parties, granted interim relief and admitted the Petition. I have no objection if the present Writ Petition is allowed and all the proceedings arising out of C.R.

No. 62/2011 are quashed and set aside.

6 I am filing this affidavit on my own free will without any fear or pressure or undue influence. Considering the fact that Petitioner and I have been resolved the disputes and I am ready to give consent for allowing this Writ Petition as prayed by the Petitioners.”

6. The respondent No.2 is personally present in Court and on specific query by this Court, he stated that he has been explained what is stated in the petition and in the affidavit and he confirmed that he has no objection for quashing the subject FIR. The petitioner No.3-the father of the petitioner No.1 is also present in Court. Both, the petitioner No.3 and the respondent No.2, are making statement that the petitioner Nos.1 and petitioner No.2 are happily married and staying together. They further submit that during pendency, the petitioner No.1 and the petitioner no.2 have given birth to their second child.

7. In these circumstances, we are of the opinion that quashing of the subject FIR would be in the interest of the respondent No.2 as well as the petitioners.

8. 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*¹, we are of the view that quashing of the criminal proceedings 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 proceedings of the subject criminal case are required to be quashed and set-aside.

9. The petition is, accordingly, made absolute in terms of prayer clause (b) and is disposed of as such.

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]

¹ AIR 2003 SC 1386