

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

CRIMINAL APPLICATION NO.1305 OF 2018

Shakir Shaukat Lai Sheikh & Ors. ... Applicant

Versus

The Senior Inspector of Police & Ors. ... Respondents

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Mr.Sandeep Bali for the Applicant.

Mr.K.V. Saste, APP for the Respondent-State.

Mr.S.M.M. Owasis T. Jahagirdar for Respondent No.2.

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

DATE : 19th MARCH 2019

P.C.:-

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

2. The petition is filed for quashing and setting aside the FIR bearing C.R. No.185 of 2017 registered with Sir J.J. Marg, Police Station at the instance of respondent No.2 for an offence punishable under Sections 498(A) read with 34 of the Indian Penal Code.

3. The petitioner No.1 and respondent No.2 got married on 29th April 2017. The rest of the petitioners are

the in-laws of the respondent No.2. Matrimonial discord between the parties gave rise to filing of several Criminal as well as Civil cases. The subject matter of the present application is one of them.

4. Pending investigation of subject crime all the parties have settled their dispute amicably and executed Deed of Dissolution of the marriage by mutual consent (MUBARA'AT) on 23.10.2018. The copy of the MUBARA'AT is at page No.19 of the petition.

5. The respondent No.2 has filed an affidavit dated 13.12.2018 by making averments in paragraph Nos.5 and 6 she has no objection to quash the subject FIR. On specific query, she submitted that in view of the settlement of the parties, the subject FIR is quashed and set aside.

6. 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 application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]