

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3147 OF 2021**

1. Mr. Mansuri Mohammed Ali
2. Mrs. Mansuri Bunakkhatun
3. Mr. Mohd. Arman Mohd. Ali Shaikh
4. Mr. Salman Mohd. Ali Shaikh Mansuri
All are residing at Plot No.49, Milat
Nagar, Dongari, Falia Doungra, Valsad,
Gujrat – 396 193
5. Mrs. Sara Khatoon Iqbal Mansuri
residing at Room No.203, Aman Place, 1
Karvad, Near Sai Astha, Karvad, Valsad,
Gujrat – 396 193.
6. Miss. Mansuri Nagma Mohd. Ali
Saherabanu Zaheeruddin Shaikh @
Papa
residing at Flat No.401, Sai Shradha-2,
Sai Nagar, Taluka – Pardi, Karvad,
Valsad, Gujrat 396 193.

...Petitioners

Versus

1. The State of Maharashtra
(Kurar Police Station through Ld. Public
Prosecutor, High Court, Bombay)
2. Mrs. Nazneen Arman Mansuri,
Presently residing at Room No.203,
Sugra Park, A-wing, Rani Sati Marg,
Malad (East) Mumbai – 97.

...Respondents

Mr. R. P. Belekar, for the Petitioners.
Petitioner No.1 present through VC and interacted.
Mr. C. S.Lamba, i/b Ms. Snehal Uttekar, for Respondent no.2.
Respondent no.2 present through VC and interacted.
Mr. V. B. Kondedeshmuk, APP for the State/Respondent no.1.

**CORAM: S. S. SHINDE &
N. J. JAMADAR, JJ.
DATED: 15th SEPTEMBER 2021.
(Video Conferencing)**

JUDGMENT:- PER : N. J. JAMADAR, J.

1. Rule. Rule made returnable forthwith and, with the consent of the learned Counsels for the parties, heard finally.
2. This petition under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 (“the Code”), is filed seeking quashment of FIR No.911 of 2020, registered with Kurar Police Station, for the offences punishable under Sections 498(A), 406, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (“the Penal Code”) at the instance of respondent no.2 – the first informant.
3. Respondent no.2 is the wife of petitioner no.3, and the rest of the petitioners are the relatives of petitioner no.3. Respondent no.2 had lodged the report for the offences punishable under Sections 498(A), 406, 504, 506 read with 34 of the Penal Code, alleging that the petitioners subjected her to cruelty in order to coerce her to meet an unlawful demand and also committed criminal breach of trust, intentionally insulted and intimidated her.
4. The learned Counsel for the petitioners and respondent no.2 make a joint statement that in the intervening period the petitioners and respondent no.2 had amicably resolved the dispute and respondent no.2 has rejoined the matrimonial

house. Petitioner no.3 and respondent no.2 are cohabiting since last eight months.

5. Respondent no.2 has filed an Affidavit. Respondent no.2 appeared before the Court through Video Conferencing. We have interacted with respondent no.2. She submitted that she is cohabiting with petitioner no.3 since last eight months at Valsad, Gujrat. The dispute is amicably resolved and they are cohabiting happily. Respondent no.2 submitted that she has decided to resolve the dispute voluntarily and there is no coercion and duress. She admitted the contents of the affidavit.

6. Paragraphs 2 to 7 of the Affidavit read as under:

“2. I further state that I lodged the said F.I.R. in anger and due to misunderstanding however now all the misunderstanding between myself and my in-laws have been cleared and as on today there is no any dispute of whatsoever nature between us.

3. I further state that myself and my in-laws have amicably and mutually settled all our disputes and differences and all the misunderstanding between us have been cleared and we have amicably decided to quash the FIR lodged by me against my husband and in-laws i.e. the above named Petitioners as I do not want to proceed further in the matter.

4. I further state that now I along with my children are staying with my husband and in-laws at Plot No.49, Milat Nagar, Dongari, Falia Doungra, Valsad, Gujrat – 396 193.

5. I further state that in view of our amicable and mutual settlement, I am filing my present affidavit before this Hon'ble Court as my no objection to quash the F.I.R. in question as I do not want to proceed further in the matter and lead any evidence.”

7. In view of the aforesaid submissions, statements and the

averments in the Affidavit of respondent no.2 and the fact that the marital discord is resolved and petitioner no.3 and respondent no.2 have resumed cohabitation, no fruitful purpose will be served by keeping the proceedings alive. As respondent no.2 has settled the matrimonial dispute, it is very unlikely that respondent no.2 would support the prosecution and, resultantly, the chances of the prosecution ending in a conviction are extremely remote and bleak. In contrast, continuation of the prosecution would cause grave prejudice to the parties and unnecessarily put burden on the criminal justice system.

8. A useful reference in this context can be made to the judgment of the Supreme Court in the case of *Gian Singh vs. State of Punjab and another*¹, wherein the Supreme Court has observed as under;

“61.the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offence arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and

extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. It is further held that, as inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (I) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.”

9. In view of the aforesaid enunciation of the legal position and the facts of the case, we have considered the material on record. In view of the settlement, a prosecution arising out of a matrimonial dispute can be legitimately quashed in order to secure the ends of justice and prevent the abuse of the process of the Court. In the case at hand, as indicated above, the matrimonial dispute has been resolved in its entirety.

10. Resultantly, in order to secure the ends of justice and prevent abuse of the process of the Court, we are persuaded to allow the petition.

11. Hence the following order:

: ORDER :

The petition stands allowed.

FIR No.911 of 2020 registered with Kurar Police Station and consequent proceedings arising out of the said crime stand quashed and set aside.

Rule made absolute in the aforesaid terms.

[N. J. JAMADAR, J.]

[S. S. SHINDE, J.]