

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.491 OF 2018

Shoeb Shamshadwali Khan
and another

.... Applicants

Versus

State of Maharashtra
and another

.... Respondents

....

Mr. Amit Mane, Advocate for the Applicants.

Ms. M.H. Mhatre, APP, for Respondent No.1 -State.

Ms. Sharon Patole, Advocate i/b. Majid Siddique, for Respondent No.2.

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**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.
DATE : 08 OCTOBER 2021**

P.C.

This is an application for quashing of the FIR registered vide C.R. No.58/2018 dated 13.2.2018 registered at Nalasopara Police Station, Palghar under Sections 498-A, 406, 504 read with 34 of the Indian Penal Code.

2. Applicant No.1 is the husband and Applicant No.2 is the mother-in-law of Respondent No.2, who had lodged this FIR on 13.2.2018. She has mentioned in the FIR that she married Applicant No.1 on 25.12.2016 and started residing with the Applicants in their joint family. After about three months, there was some dispute where

Applicant No.2 did not like the informant's plan to go to her parent's house for religious function. There was some quarrel between them. Applicant No.1 did not support the informant; instead, he started abusing in the name of the informant's mother. Because of this mental tension, the informant fell ill. Applicant No.1 sent her to her parental house and told her that after she was alright she would be taken back to their matrimonial house. After that, Applicant No.1 never responded to her messages and phone calls. The informant's family was humiliated when they tried to mediate. In June, 2017 when the informant approached Byculla Police Station, the police suggested to settle the matter but the Applicants did not take her back. On this basis, the FIR was lodged. It is also alleged that the Applicants retained the articles worth Rs.One Lakh with them which were given to the informant by her parents.

3. Heard Shri Amit Mane, the learned counsel for the Applicants, Smt. M.H. Mhatre, the learned APP for the State and Ms. Sharon Patole, learned counsel for Respondent No.2.

4. In this matter, the informant-Respondent No.2 has filed her affidavit. It is mentioned that Applicant No.1 and Respondent No.2 have amicably fully and finally settled all the disputes between them and they have obtained divorce by *khulanama*. They have decided to live their life independently and not to interfere with each other. It was also mentioned that the consent for settlement was given voluntarily and was not obtained by force, fraud or coercion. It was

categorically mentioned that she had no objection for setting aside and quashing of the present FIR.

5. We have interacted with Respondent No.2, who has supported her statements in the affidavit.

6. The dispute between the parties is purely a private matrimonial dispute. It does not affect the society at large. Therefore, based on the guidelines mentioned in the case of *Gian Singh Vs. State of Punjab and another, reported in (2012) 10 SCC 303*, the FIR and other proceedings can be quashed. No fruitful purpose would be served by keeping the proceedings pending. Hence, the following order :

:: O R D E R ::

- i. The FIR registered vide C.R. No.58/2018 registered with Nalasopara Police Station, Palghar by Respondent No.2 against Applicants No.1 & 2 and all the consequent proceedings, are hereby quashed and set aside.
- ii. The Application is allowed in the aforesaid terms.

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by
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(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)