

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

CRIMINAL WRIT PETITION NO. 1247 OF 2021

1. Yusuf Ansari
2. Shanaz Ansari
3. Shagufta Ansari
4. Shagufta Ansari
5. Muskan Ansari

.... **PETITIONERS**

// **VERSUS** //

1. The State of Maharashtra,
Thr. Dongri PS, Mumbai
2. Sufiya Yusuf Ansari

.... **RESPONDENTS**

Shri M.A.Vaid i/b. Vaid & Associates, Advocate for Petitioners.
Shri K.V.Saste, A.P.P. for Respondent No.1/State.
Shri Umesh S. Iyer, Advocate for Respondent No.2.

CORAM : **PRASANNA B. VARALE AND**
 ANIL S. KILOR, JJ.

DATED : **FEBRUARY 02, 2022**

P.C.

1. Heard.
2. By the present writ petition under Article 226 of the Constitution of India as well as under Section 482 of Code of Criminal Procedure, the

petitioners are praying for quashing of First Information Report registered vide Crime No.212 of 2021, dated 17/12/2019 with Dongri Police Station, Mumbai for the offences punishable under Sections 498-A, 323, 504, 506 and 509 read with Section 34 of the Indian Penal Code on the ground that the dispute has been amicably settled between the parties.

3. Respondent No.2 is informant in this case who is wife of petitioner No.1. The respondent No.2 lodged report on 17/12/2019. As the matter has already been settled and the matter is arising out of matrimonial discord and as it has a checkered history which is not relevant for this matter, it would not be necessary to narrate the allegations made in the FIR in detail.

4. The learned counsel for the petitioners submits that after lodging of the report the matter has been amicably settled and accordingly the complainant has filed an affidavit to that effect in connected W.P. No.2544/2021. As such, he prays for quashing of the FIR.

5. The learned counsel for the respondent No.2 is not disputing the fact of settlement and he has drawn attention to the affidavit filed by respondent No.2 wherein she has stated that the matter has been amicably settled and she has no objection if the FIR bearing No.212 of 2019 is quashed.

6. Respondent No.2 is present virtually and on query put to her about settlement, she has stated that she does not want to pursue the criminal case.

7. After going through the contents of the FIR, though the allegations are serious and the offence is registered under Sections 498-A, 323, 504, 506 509 and 34 of the Indian Penal Code, looking to the relations of the petitioners and respondent No.2 and as the matter has already been settled, the whole exercise to allow the trial to continue will be a futile one in the peculiar facts of the instant case.

8. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of *Madan Mohan Abbot vs. State of Punjab*, reported in (2008) 4 SCC 582, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts, which are already overburdened. We are of the view that in the backdrop of the aforestated fact-situation, the continuation of prosecution of the petitioners in the instant case will amount to abuse of the process of Court and therefore, it is in the fitness of things to quash the FIR and proceedings in order to secure the ends of justice. We are in agreement with the submission of the learned Counsel appearing for the respective parties that continuation of criminal proceedings in the instant case will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

9. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of *Narinder Singh vs. State of Punjab* **2014 AIR SCW 2065**, we are of the considered view that there is no impediment in quashing the criminal proceedings in question.

10. In that view of the matter, the writ petition needs to be allowed.
Hence, I pass the following order:

- i) The writ petition is allowed.
- ii) The First Information Report bearing No.212 of 2019, registered against the respondent with respondent No.1 Police Station for the offences punishable under Sections 498-A, 323, 504, 506 509 and 34 of the Indian Penal Code is quashed.

The writ petition stands **disposed of** accordingly.

(ANIL S. KILOR, J)

(PRASANNA B. VARALE, J)

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