

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

CRIMINAL WRIT PETITION NO. 3776 OF 2021

1. Sufiya Yusuf Ansari
2. Shakila Jabbar Bagwala
2. Abdul Jabbar Bagwala
4. Ibrahim Jabbar Bagwala

.... PETITIONERS

// VERSUS //

1. The State of Maharashtra,
Thr. Dongri PS, Mumbai
2. Shagufta Shanawaz Ansari

.... RESPONDENTS

Shri Umesh S. Iyer, Advocate for Petitioners.

Shri K.V.Saste, A.P.P. for Respondent No.1/State.

Shri M.A.Vaid i/b. Vaid & Associates, 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 Articles 226 and 227 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.65 of 2021, dated 25/03/2021 with Dongri Police Station, Mumbai for the offences punishable under Sections 354, 354-A, 448, 324, 323, 504, 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 the informant and petitioner No.1 is the sister in law (brother's wife) and petitioner No.2 is the mother and petitioner No.3 is the father of the petitioner No.1, whereas, the petitioner No.4 is the brother of the petitioner No.1.

4. It is not necessary to state the allegations in detail, made in the First Information Report (FIR) for the purpose of this case. It would suffice to state that the dispute has arisen out of the matrimonial discord of the brother of the complainant and petitioner No.1.

5. The brother of the complainant and the petitioner No.1 have amicably settled their dispute and accordingly the petitioner No.1 has given no objection for quashing of the FIR in Crime No.212 of 2019 and 66 of 2021, registered with Police Station, Dongri, Mumbai against the brother and family members of the informant. Accordingly, this Court, in view of the settlement, has quashed both the said FIRs vide order dated 02/02/2022 in Criminal Writ Petition Nos. 2544 of 2021 and 1247 of 2021.

6. In the present matter, in view of the settlement between the parties, a similar request has been made for quashing of the FIR.

7. As the parties have settled the matter and the allegations made in the present matter are in respect of the dispute between the parties, which has arisen out of the matrimonial discord and looking to the close relations of the parties with each other, it would be a futile exercise if the trial is permitted to be continued.

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 aforesaid 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.65 of 2021, registered against the petitioners with respondent No.1 Police Station for the offences punishable under Sections 498-A, 509, 323 and 504 read with Section 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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