

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

WRIT PETITION NO. 4770 OF 2021

Mr.Saurabh Ashok Agrawal & Anr.

...Petitioners

vs.

Mrs.Reeta Saurabh Agrawal & Anr.

...Respondents

Mr.Shriniwas Singh for Petitioners.

Mr.J.P. Yagnik, APP for State.

Smt.Shweta Singh for Respondent No.1.

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

DATED : 17 JANUARY 2022

P.C. :

. By way of present petition, the Petitioners are seeking quashing of FIR bearing No.4/2021 registered by Malad Police Station on 2 January 2021 for the offences punishable under Sections 498-A, 406, 323, 504 read with 34 of IPC, in view of the mutual settlement between the Petitioners and Respondent No.1, who is the informant.

2. Respondent No.1, informant, is the wife of Petitioner No.1, who had lodged a report on 2 January 2021 against the Petitioners alleging physical as well as mental cruelty meted out to her on the ground of demand of money.

3. Heard learned Counsel for the respective parties.

4. Learned Counsel for the Petitioners points out that after

lodging of the FIR by Respondent No.1, the Petitioners preferred anticipatory bail application before the Sessions Court at Dindoshi, Goregaon Division, Mumbai and when the matter came up before the court for hearing, both the parties had shown their willingness to explore the possibility of compromise and accordingly, the matter was referred for mediation on 15 January 2021. However, though the mediation was failed, subsequently, because of efforts taken by the relatives and good sense prevailed upon the parties, the Petitioners and Respondent No.1 have mutually settled their dispute amicably and therefore, learned Counsel for the Petitioners prays for quashing of FIR in question.

5. Learned Counsel for Respondent No.1 is not disputing the said fact and also praying for quashing of FIR in question.

6. As the dispute is matrimonial and purely a personal one and because no public element is involved in the present matter, we are of the opinion that no purpose would be served even by allowing the trial to continue.

7. 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, [(2008) 4 SCC 582]**, we find that no purpose would be served by keeping the FIR alive, except ultimately 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 subject FIR in order to secure the ends of justice. We are in agreement with the submission of

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.

8. 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 FIR in question.

9. Accordingly, the writ petition is allowed in terms of prayer clause (a).

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)