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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
WRIT PETITION NO.5516 OF 2019

Sukhwinderkaur Murria

..... Petitioner

Vs.

The State of Maharashtra & Anr.

..... Respondents

Mr.Akash Regillio a/w Mr.Chetan S. Damre for the  
Petitioner

Mr.Niranjan Mundargi a/w Mr.Nitesh Jaywant Mohite for  
the Respondent no.2

Mrs.Aruna S. Pai, Chief P.P. for the State

**CORAM : PRASANNA B. VARALE &  
SURENDRA P. TAVADE, JJ.**

**DATED : FEBRUARY 18, 2022**

**P.C.**

1. Heard.

2. The Petitioner is seeking quashing of F.I.R. bearing C.R.No.379 of 2016 for offence punishable under Sections 452, 323, 504, 506 of Indian Penal Code registered on 04.09.2016 with Wadala TT Police Station.

3. The facts giving rise to the present petition can be summarized as under:

4. Respondent no.2 is father of son in law of Petitioner.

Respondent no.2 lodged F.I.R. against the Petitioner on 04.09.2016 wherein he alleged that on 26.04.2016, he along with his wife were present in the house. His son Satya Narayan Shah had been to office along with his daughter Parkhi. On that date, at about 1.45 p.m., Petitioner came to the house of Respondent no.2 on the pretext of meeting her minor grand daughter Parkhi. But grand daughter, Parkhi was not present in the house. Over this, Petitioner got wild and she broke the glass utensils and other articles and also threatened Respondent no.2 that she would commit suicide and would falsely implicated the entire family of Respondent no.2. Hence, Respondent no.2 rushed to the Police Station and lodged F.I.R.

5. In pursuance of the F.I.R. Investigating Officer carried out investigation and filed charge sheet before Metropolitan Magistrate, 29<sup>th</sup> Court, Dadar, Mumbai and subsequently, case bearing No.217/PW/2017 came to be registered. It appears from the record that during the pendency of investigation as well as pendency of this petition, petitioner and Respondent no.2 decided to settle their dispute accordingly. Respondent no.2 filed affidavit and both the parties filed deed of family settlement / Consent at Exhibit 'B' collectively wherein it is specifically mentioned that the Petitioner and Respondent no.2 have settled their dispute once for all. They also decided to withdraw the cases filed by them against each other. It is also mentioned that Respondent no.2 has given consent for quashing of F.I.R. lodged by him against the petitioner. Petitioner gave consent for the custody of Parkhi to her father. Copy is

produced on record. During the course of hearing, Petitioner as well as Respondent no.2 were present. They admit the contents of settlement. Respondent no.2 has categorically stated that he filed affidavit as per his own will and wish. There was no undue influence, coercion from any side. He also gave no objection for quashing of FIR and Criminal Case filed in pursuance thereof.

6. Considering the above facts, we are of the opinion that continuation of proceeding arising out of Crime No.379 of 2016 would be nothing but an act of futility. We are of the opinion that the Petitioner has made out a case for allowing the petition.

7. In these circumstances and especially in view of the law laid down by the Apex Court in the case of ***B.S.Joshi Versus State of Haryana AIR 2003 SC 1386*** we are of the view that no purpose would be served by keeping the criminal proceedings except burdening the Criminal Courts which are pending already overburdened. In that view of the matter and in the interests of Justice, the subject FIR is required to be quashed.

8. In view of the above facts, petition is allowed in terms of prayer clause (a) and is disposed of.

( SURENDRA P. TAVADE, J.)      (PRASANNA B. VARALE, J.)