

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

CRIMINAL WRIT PETITION NO. 3588 OF 2017

Mohammed Akram Mehmood Qureshi
Age: 43 Years Occ: Unemployed
Address Mohammedi Manzil, 1st Floor,
Room No. 1 and 2, 117, Undria Street,
Mumbai – 400 008.

... Petitioner

Versus

1. State of Maharashtra
J.J. Marg Police Station, Mumbai.

2. Shabnam Mohammed Akram Qureshi
Age: 38 Years, Occ: Service,
Residing at Mohammedi Manzil, 1st Floor,
Room No.1 and 2, 117, Undria Street,
Mumbai – 400 008.

... Respondents

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Mr Hakim Salim A. R. for the Petitioner.

Mrs M. M. Deshmukh, APP for the Respondent No.1-State.

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***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 17 FEBRUARY 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. By this petition, the Petitioner seeks to quash the FIR No.10 of 2016 lodged with Sir J.J.Marg Police Station, Mumbai, at the instance of Respondent No.2/original Complainant for the alleged offence punishable u/s 498-A of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute and that Respondent No.2 has no objection to the quashing of the impugned FIR.

4. Perused the papers. Petitioner is the husband of Respondent No.2. After marriage, Respondent No.2 started residing at her matrimonial home with the Petitioner. Since marital discord/differences post-marriage, Respondent No.2 lodged the FIR described above, vide CR No.10 of 2016, with Sir J.J. Marg Police Station, Mumbai, against the Petitioner. Allegations of ill-treatment and harassment were made.

5. The parties are present before us. They stated that the dispute had been amicably settled, and they are residing together happily. Further, they said that after the impugned FIR, they are blessed with a child. On questioning, Respondent No.2 reiterates what she stated in her Affidavit and further states that she has no objection to the quashing of the impugned FIR. The learned Counsel for the Petitioner and the Investigating Officer have identified the parties.

6. The learned Counsel for the Petitioner submitted that the dispute, which was a purely domestic dispute, has been amicably settled. He submitted that no purpose would be served by keeping the prosecution alive, given the settlement between the parties. He submitted that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in *Gian Singh Vs. State of Punjab & Anr. And Narinder Singh and Ors Vs. State of Punjab & Anr.*

7. The FIR arising from purely domestic disputes can be quashed by consent in light of the decisions of the Hon'ble Supreme Court in the above-referred cases. The dispute being matrimonial is a private dispute. Given the settlement between the parties, Respondent No.2 will not support the prosecution case. The accusation would be flawed, and allowing criminal prosecution

to continue would be an abuse of the process of the law. It will also disrupt the compromise and interfere with the restoration of peace. Nothing fruitful will, therefore, come out of the prosecution in question. The parties wish to put their past behind them. If the FIR is not quashed, the parties will remain embroiled in litigation and trial, which will not serve the interest of justice. The dispute also does not have any ramifications on society at large.

8. Considering these facts and circumstances, we see no difficulty in quashing the FIR. The petition, therefore, is made absolute in terms of prayer clause (A), which reads thus:

“A) The F.I.R. filed in C.R.No.10/16 under section 498(A) of Indian Penal Code by the J.J.Marg Police Station on 12th January 2016 against the Petitioner be quashed and set aside.”

9. The Rule is made absolute in the above terms without any order for costs.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]