

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.457 OF 2015

Zoheb Jamil Shaikh and others ... Petitioners
Vs.
State of Maharashtra and others ... Respondents

Mr. Balwant Salunkhe i/b. Mr. Vishal Deshmukh for Petitioners.
Mrs. M. M. Deshmukh, APP for Respondents No.1 and 3-State.
Ms Janeela Damani for Respondent No.2.

**Coram : RANJIT MORE &
R. G. KETKAR, JJ.**

Date : 03rd SEPTEMBER, 2015.

PC:

Heard Mr. Salunkhe, learned Counsel for petitioners, Mrs. Deshmukh, learned APP for respondents No.1 and 3-State and Ms Damani, learned Counsel for respondent No.2.

2. This Petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceedings of Criminal Case No.655/PW/2012 pending on the file of Railway Mobil Court, M. M. Court at Andheri, Mumbai. The said case arises out of registration of F.I.R. bearing CR No.199 of 2011 with Versova Police Station, Mumbai at the instance of respondent No.2 for the offences punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code, 1860. Petitioner No.1 and respondent No.2 were married on

28.02.2010. Rest of the petitioners are the family members of petitioner No.1. The matrimonial dispute between the parties led to filing of civil as well as criminal cases, and the subject case is one of them.

3. Pending trial, parties have settled their disputes amicably and have approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.2 has filed affidavit dated 03.09.2015. In paragraph 3, she has given no objection to quash the proceedings of the subject criminal case. Respondent No.2 is personally present before the Court. On specific queries, she submitted that dispute between the parties is amicably settled and therefore, she has no objection to quash the proceedings of the subject criminal case.

4. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear that the allegations are totally personal in nature. In these circumstances and especially in view of the law laid down by the Apex Court in the case of *B.S.Joshi Vs. State of Haryana*, **AIR 2003 SC 1386**, we are of the view that quashing of the criminal proceedings would be in the interest of respondent No.2. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the

criminal proceedings are required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (i) and is disposed of as such.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

Minal Parab