

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

CRIMINAL APPLICATION NO. 354 OF 2014

Moinuddin Yusuf Siddiqui ..Applicant

v/s.

Seema Deepak Rokaaya & Ors. ..Respondents

Ms. Nazeen Khatri for the Applicant.

Mr.Akram Kapoor for the Respondent No.1.

Mrs.M.M.Deshmukh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : APRIL 23, 2015.**

P.C.

1. At the outset, learned Counsel for the applicant seeks leave to amend the prayer clause so as to change the C.R. number from 103 of 2013 to 102 of 2013.

2. Leave granted. Necessary amendment be carried out forthwith.

3. Heard. This application is filed invoking the jurisdiction of

this Honourable Court under the provisions of Section 482 of Cr.P.C. to quash and set aside the proceedings of Sessions Case No.209 of 2013 pending on the file of the Sessions Court at Dindoshi, Mumbai. The said case arises out of registration of C.R.No.102 of 2013 at Bangoor police station at the instance of the respondent no.1 for the offence punishable under Section 376, 365, 342, 354(A)(B) and 323 of IPC.

4. Initially offence was registered by Borivli Police Station at Zero number when it was revealed that the offence is committed within the jurisdiction of Bangoor Police Station, the FIR was transferred to Bangoor Police Station, and was registered at FIR No.102 of 2013. After completion of chargesheet case was filed before the sessions court, it was numbered as 209 of 2013. Before the commencement of trial, parties settled their dispute. In pursuance of the understanding arrived at between them, the parties have approached this court by filing the above application for quashing and setting aside the Sessions Case No. 209 of 2013.

5. The respondent no.1 has filed affidavit dated 31.10.2014. In para 3 she has stated that she has married the applicant on

22.8.2014 under the Special Marriage Act, The marriage was registered on 25.8.2014. Certificate to that effect is also annexed along with the affidavit as Exh.A. The original marriage certificate is produced before the court for our perusal. We have perused the same, and after perusal returned it back. In para 4 of the affidavit she has stated that she is happy with the applicant and enjoying happy married life. She has also stated that in order to avoid any inconvenience and complications in her married life, the proceedings of the said Sessions Case may be quashed.

6. The respondent No.1 is personally present before the Court. On specific query made by us, she confirms the contents of the affidavit and further states that she has no objection to quash the proceedings of the said sessions case.

7. We have perused the FIR. Perusal of the same reveals that the applicant and the respondent no.1 were friendly with each other. Both are major, and at the time of incident also both were major and the physical relationship between them was consensual.

8. In the light of above circumstances, continuation of the proceeding would not be in the interest of the respondent no.1. On

the contrary, quashing of the same would allow the parties to lead a happy married life. In view of the above circumstances, in our opinion the ratio laid down by the Apex in case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] is clearly applicable to the present case. 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.

9. Accordingly, application is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)