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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1933 OF 2015

Mr. Omar Farook KhanPetitioner
versus
1. State of Maharashtra
2. Mrs. Rubina KhanRespondents

Ms. Ruchita Jain i/b. Law Global, advocates for the petitioner.
Mrs. Rubeena Khan, Respondent No.2 present-in -person.
Mrs. S. V. Sonawane, APP for the State.

CORAM : RANJIT MORE &
A. P. BHANGALE, JJ.

DATED : 7th MAY, 2015.

P.C.:

Heard learned counsel for the petitioner and respondent No.2-
in-person.

2. This petition is filed under Article 226 of the Constitution of India for quashing and setting-aside the proceeding of C.C.No.1620/PW/11 pending on the file of Ld. Metropolitan Magistrate's 12th Court at Bandra, Mumbai. The said case arises out FIR No.165/08 registered with Bandra Police Station, Mumbai, at the instance of respondent No.2 against the petitioner and his parents for the offences punishable under Sections 498A, 406 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner and respondent No.2 got married on 13th May, 1992. Due to marital dispute, civil as well as criminal cases came to be filed and the subject petition is one of them. Meanwhile, the parties settled their dispute amicably and filed consent terms in petition No.E 542 of 2008 and petition No.D 90 of 2010 before the family Court at Bandra, Mumbai. In terms of the settlement arrived at between them, the present petition is filed for quashing the proceedings of the said criminal case by consent. Respondent No.2 has filed an affidavit dated 5th May, 2015. In paragraph 3, she has stated that the dispute between the parties has been settled and she does not want to pursue the said criminal proceedings and has given no objection for quashing the same. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings of criminal case No.1620/PW/11 arising out of FIR No.165/08 against the accused including the petitioner are quashed and set-aside. She also stated that she is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

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 versus 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 (a) and is disposed of as such.

(A. P. BHANGALE, J.)

(RANJIT MORE, J.)