

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.472 OF 2015

Abdulla Amirullah Khan and Ors.

..Applicants.

Versus

The Sr. Police Inspector and Ors.

..Respondents.

Mr. Shaikh Mohammed Sharif, advocate for applicants.

Mrs. M.H.Mhatre, APP for the State.

Mr. Mateen Shaikh, advocate for respondent no.3

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

Date : **8th September, 2015.**

P. C. :

Heard learned counsel appearing for the respective parties.

2 This application is preferred invoking provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceedings of the Sessions Case No.611 of 2014 pending on the file of 39th Sessions Court at Mumbai. The said proceedings arise out of the registration of the F.I.R. bearing C.R.No.276 of 2013 with Mankhurd Police Station at the instance of respondent no.3 for the offence punishable under Sections 498A, 406, 315, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

3 Applicant No.1 and respondent no.3 are husband and wife respectively. Rest of the applicants are family members of the applicant no.1. Matrimonial disputes between the parties gave rise to filing of subject F.I.R and after investigation of the same, charge-sheet came to be filed before the concerned Magistrate and since offence under Section 315 of the Indian Penal Code, 1860 is triable by the Sessions Court, the case was committed to the Sessions Court.

4 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.3 has filed an affidavit affirmed on 29.4.2015. In paragraph 7, she has given no objection to quash and set aside the proceedings of the subject Sessions Case. She is personally present in 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 subject Sessions Case is quashed and set-aside. She also stated that she is giving no objection for quashing the subject Sessions Case out of free will and without

there being any pressure or coercion.

5 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 subject Sessions Case would be in the interest of respondent No.3. 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 subject Sessions Case is required to be quashed. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

Certified to be true and correct copy of the original signed judgment/order.

