

SSK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2768 OF 2015**

1. Salim Ibrahim Shaikh
2. Rukhsana Ibrahim Shaikh
3. Sabiya Samsul Shaikh
4. Aashiya Ibrahim Shaikh
5. Nazia Ibrahim Shaikh

....Petitioners

versus

1. The State of Maharashtra
2. Mrs. Huma Saalim Shaikh

....Respondents

Mr. Pawan Mali i/b. Mr. Runal Vijay Watulkar, advocate for the petitioners.
Mrs. M. H. Mhatre, APP for the State.
Mr. Rohit Pande, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 16th JULY, 2015.

P.C.:

Mr. Mali, learned counsel for the petitioners, at the outset, seeks leave to amend the petition so as to give particulars of the criminal case pending before the Sessions Court. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. Heard learned counsel and learned APP appearing for the respective parties.

3. The petition is filed for quashing the proceedings of case No.607 of 2014 pending before Sessions Court at Bombay. The said case arises out of FIR No.64 of 2013 registered with V. P. Road Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 313, 324 read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961.

4. Pending trial, the parties to the petition settled their dispute amicably and, in pursuance of an understanding arrived at between them, filed the instant petition for quashing the proceedings of the said sessions case by consent. Respondent No.2 has filed an affidavit dated 16th July, 2015. In paragraphs 5 and 6, she has stated that she has no objection for quashing the proceedings of the above referred sessions case. 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 arising out of said sessions case 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.

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 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.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)