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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.681 OF 2015

1. Saana Husnain Solanki	
2. Mr. Husnain Abdul Aziz Solanki	
3. Mrs. Reshma Husnain Solanki	
4. Mr. Yakub Hasan Guchia	Applicants
versus	
1. The State of Maharashtra	
2. The Senior Inspector of Police	
3. Mr. Rafique Khatri	Respondents

Ms. Shaikh Farha Naaz, advocate for the applicants.
Mrs. M. H. Mhatre, APP for the State.
Mr. Anand H. Singh, advocate for respondent No.3.

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

DATED : 12th AUGUST, 2015.

P.C.:

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

2. The application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside M.E.C.R. No.4 of 2015 registered with Santacruz Police Station. The said M.E.C.R. is registered under Sections, 420, 406, 315, 316, 114 read with Section 34 of the Indian Penal Code, 1860 in pursuance of order passed by learned Metropolitan Magistrate, 21st Court at Bandra under Section 156(3) of the Code of Criminal Procedure, 1973, in Criminal Complaint No.201/SW/2014.

3. Respondent No.3 -original complainant is the father-in-law of petitioner No.1. Petitioner Nos. 2 and 3 are the parents of petitioner No.1 and petitioner No.4 is the uncle of petitioner No.1. The present FIR is an offshoot of matrimonial dispute between petitioner No.1, and her husband and his family members. Pending investigation, the parties settled their dispute amicably and have approached this Court for quashing the subject criminal complaint by consent. Respondent No.3 has filed an affidavit dated 30th July, 2015. In paragraph 5, he has given no objection for quashing and setting aside the proceedings of the subject M.E.C.R.. Respondent No.3 is personally present before the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings of the subject M.E.C.R. are quashed and set-aside.

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 considered view that there is no impediment in quashing the subject M.E.C.R.. 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 proceedings of the subject M.E.C.R. are required to be quashed and set-aside. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)