

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.911 OF 2015

Zuber Rafique Shaikh and others ... Applicants
Vs.
State of Maharashtra and another ... Respondents

Mr. R. A. Shaikh i/b. Ms Y. A. Shaikh for Applicants.
Mr. J. P. Yagnik, APP for Respondent No.1-State.
Ms Mayura Ahir for Respondent No.2.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : 12th OCTOBER, 2015.

P.C.:

Heard, Mr. Shaikh, learned counsel for applicants, Mr. Yagnik, learned APP for respondent No.1-State and Ms Ahir, learned Counsel for respondent No.2.

2. The application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting-aside the proceedings of Criminal Case No.973/2013 pending on the file of the learned First JMFC Court, Thane. The said proceedings arise out of FIR bearing C.R. No.I-114 of 2012 registered with Mumbra Police Station, at the instance of the respondent No.2, for the offences punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code, 1860.

3. Pending trial, the parties have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. Respondent No.2 has filed consent affidavit dated 10.09.2015. In paragraph 4, she has stated that the dispute between the parties are settled with the efforts of the elder members of both the families and they have decided to part ways. In paragraph 6, she has shown her willingness to quash the subject proceedings on receiving amount of Rs.3,50,000/-, which applicant No.1 has agreed to pay her by way of full and final settlement of her claim. Accordingly, applicant No.1 has handed over a Demand Draft of Rs.3,50,000/- to the respondent No.2. Respondent No.2 acknowledges the receipt of the Demand Draft. Respondent No.2, who is personally present in the Court, confirms the contents of the affidavit. On specific query, she states that she has gone through the affidavit and has understood the contents thereof. She further states that since she has received Rs.3,50,000/- from the applicant No.1, she has no objection if the proceedings of the subject criminal case 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 view that quashing of the proceedings of the subject criminal case 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 proceedings of the subject criminal case are required to be quashed and set-aside. Criminal Application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

5. At this stage, learned Counsel appearing for the respective parties state that after registration of the F.I.R. in question, the articles of the respondent No.2 lying at the house of the applicant No.1 were seized by the Investigation Officer of Mumbra Police Station. Applicants have no objection if those articles are returned to the respondent No.2. Accordingly, we direct the Investigation Officer of Mumbra Police Station to return the said articles to the respondent No.2 on her making appropriate application. Ordered accordingly.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]