

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 930 OF 2015

Mr. Altaf Fakir Naik

..Applicant

Versus

1.Rehana W/o. Altaf Naik

2.The State of Maharashtra

..Respondents

Mr. Mateen Shaikh, advocate for the applicant.

Mr. Ansur Tambali, advocate for respondent No.1.

Ms. U. V. Kejriwal, APP for the State.

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

DATE : 4th SEPTEMBER, 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 the proceedings of criminal case No.277/PW/2015 pending on the file of learned Metropolitan Magistrate, 29th Court, Bhoiwada, Dadar, Mumbai. The said proceedings arise out of FIR bearing CR No.209 of 2014 registered with Wadala Police Station, at the instance of respondent No.1, for the offences punishable under Sections 324, 504 and 506 of the Indian Penal Code, 1860.

3. The applicant and respondent No.1 were married on 14th January, 2003. Matrimonial dispute between the parties, however, gave rise to filing of the subject criminal proceedings. 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.1 has filed an affidavit dated 23rd August, 2015. In paragraph 6, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.1 is personally present before the Court. She has been identified by her advocate. On being questioned, she specifically stated that she has gone through the affidavit and has understood the contents thereof and she has no objection if the proceedings of the subject criminal 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.

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.1. 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. The criminal application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]