

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.982 OF 2015

Abdul Salam Ainullah Khan and others	... Applicants
Vs.	
State of Maharashtra and another	... Respondents

Mr. A. S. H. Khan for Applicants.
Mrs. S. V. Sonavane, APP for Respondent No.1-State.
Mr. M. S. Ahmed for Respondent No.2.

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

DATE : 28th SEPTEMBER, 2015.

P.C.:

Heard Mr. Khan, learned Counsel for applicants, Mrs. Sonavane, learned APP for respondent No.1-State and Mr. Ahmed, 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 the Criminal Case No.1352/PW/07 pending on the file of learned Metropolitan Magistrate, 45th Court, Kurla, Mumbai. The said proceedings arise out of FIR bearing C.R.No.102 of 2007 registered with Vinoba Bhawe Nagar Police Station, Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 498-A, 406 and 506 of the

Indian Penal Code.

3. Applicant No.1 and respondent No.2 are husband and wife. Rest of the applicants are family members of the applicant No.1. Matrimonial dispute between the parties gave rise to filing of the subject FIR and after completion of the investigation, the charge-sheet is filed, which was numbered as Criminal Case No.1352/PW/07 and at present, the same is pending before the Metropolitan Magistrate, 45th Court, Kurla. 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.

4. Respondent No.2 has filed affidavit dated 22.09.2015. In paragraph 4, she has given no objection to quash the proceedings of the subject criminal case. Respondent No.2 is personally present in the Court. On specific query, she 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. Lastly, she stated that at present, she is residing with the applicant No.1, and therefore, she does not wish to continue with the proceedings of the subject criminal case.

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 Vs. 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 (b) and is disposed of as such.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

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CERTIFICATE

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