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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1086 OF 2015**

Hanif Khalifa and Ors.

..Applicants.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Mr.Tausif Ansari for the applicants.

Mr.K.V.Saste, APP for respondent-State.

Mr.M.G.Ansari for respondent No.2.

**CORAM : RANJIT MORE AND  
V.L.ACHLIYA, JJ.**

**DATED : 11TH DECEMBER, 2015**

**P.C. :-**

1. Heard learned counsel for the applicants, learned counsel for respondent No.2 and the learned A.P.P. for the State. This application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal proceeding bearing Sessions Case No.647/2015 pending on the file of the Sessions Court, Room No.34, Mumbai, on the basis of F.I.R. bearing No.275/2011 registered with Nirmal Nagar police station, Bandra (E), Mumbai at the instance of respondent No.2 against the applicants for the offences punishable under Sections 366 read with Section 34 of the Indian Penal Code.

2. Applicant No.1 is the father of applicant No.2. Respondent No.2 is the father of the victim Ms.Ayesha. An F.I.R. was filed by respondent No.2 on the allegations that the applicants had abducted the victim Ms.Ayesha. In pursuance of the F.I.R., the victim girl was traced out and her statement was recorded on 14<sup>th</sup> February, 2012. Her statement reveals that she and applicant No.2 were in love relationship and on her own she went along with applicant No.2. The statement further reveals that she and applicant No.2 are staying together. The document annexed at page 35 reveals that the age of the victim Ms.Ayesha at the time of the incident was more than 18 years. Learned counsel for the applicants has placed on record a xerox copy of certificate of registration of marriage of the Thane Municipal Corporation, Thane. The certificate shows that applicant No.2 and Ms.Ayesha are married.

3. In the above circumstances, the parties decided to settled their dispute amicably and have approached this Court for quashing the subject Sessions Case by consent. Respondent 2 has filed an affidavit dated 21<sup>st</sup> October, 2015. In paragraph 7, he has stated that he has no objection if the subject Sessions Case is quashed. Applicants and Respondent No.2 as well as the victim girl Ms.Ayesha are personally present before the Court. Respondent

No.2 is identified by his Advocate. They have stated that the subject Sessions Case be quashed and set aside. In the above circumstances, we are of the opinion that it would be in the interest of respondent No.2 and the victim Ms.Ayesha that the subject Sessions Case is quashed.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh V/s. State of Punjab [2014 AIR SCW 2065]**, we find that 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 subject Sessions Case is required to be quashed.

5. Accordingly, the application is made absolute in terms of prayer clause (a) and the same stands disposed of.

**(V.L.ACHLIYA, J.)**

**(RANJIT MORE, J.)**