

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4080 OF 2015**

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| 1. Mohammed Oves Abdul
Rashid Jiwani;
2. Smt. Rashida Abdul Rashid
Jiwani;
3. Smt Amina Abdul Rashid
Jiwani;
4. Mrs Aliya Irfan Patel | Petitioners. |
| Vs | |
| 1. The State of Maharashtra;
2. Mrs Farzana Oves jiwani. | .. Respondents |

Ms. A.A.Shreshtha, Advocate for Petitioners.
Mr. K.V.Saste , APP for Respondent no.1-State.
Mrs F.O.Jiwani, Respondent no.2 in-person.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 28th OCTOBER, 2015.**

PC:

1. Heard learned counsel and learned A.P.P appearing for the respective parties.
2. This petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of criminal case bearing no. 3076/PW/2015 pending on the file of learned Metropolitan Magistrate, Court No.4 at Girgaon, Mumbai. The said case arises out of F.I.R, bearing C.R.No.210/2014 registered with Tardeo Police Station against the petitioners at the instance of respondent No.2 for offences punishable under Sections 498(A), 406, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

3 Marriage of Petitioner No.1 and respondent no.2 was solemnized on 22.11.2013. Rest of the petitioners are the family members of petitioner no.1. Marital dispute between the parties gave rise to filing of the subject FIR.

4 Pending trial, the parties have settled their disputes and In terms of the understanding arrived at between the parties, they have approached this Court for quashing and setting aside the proceedings of subject criminal case by consent of respondent no.2. Respondent No.2-original complainant as well as petitioner no.1 have filed separate affidavits. The petitioner and respondent no.2 have stated in their separate affidavits that they have given no objection for quashing and setting aside the proceedings of subject criminal case. Respondent no.2 is personally present before the Court and in her affidavit she has given consent for quashing the proceedings of the subject criminal case and FIR. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. Respondent no.2 has further confirmed that she has no objection for quashing the subject FIR.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From perusal of the complaint, it transpires that the allegations are personal in nature. There is no element of public law involved in the case. 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 **B.S.Joshi versus State of Haryana, AIR 2003 SC 1386,** we are of the view that quashing of the subject criminal case and subject FIR 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.

6. In the result, the Petition is allowed in terms of prayer clause (a). FIR No.210 of 2014 registered by Tardeo Police Station under sections 498(A), 406, 323, 504,506 read with 34 against the petitioners and Criminal Case bearing no.3076/PW/2015 pending before learned Metropolitan Magistrate, Court No.4 at Girgaon, Mumbai are quashed and set aside.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)