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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.WRIT PETITION NO. 4352 OF 2015

Mohd. Sajid Siddique Shaikh and Ors.	..Petitioners
V/s.	
The State of Maharashtra and anr.	..Respondents

Ms. Rohini Wagh for the petitioners.

Mrs. S.V. Sonavane, A.P.P. for the State.

Mr. Bharat V. Bhatia for the respondent no. 2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.
DATED : 18th NOVEMBER, 2015**

P.C. :-

Heard learned counsel for the respective parties.

2. This writ petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing and setting aside the proceedings of Sessions Case No. 741 of 2015 pending before the Sessions Judge, 34th Court, Mumbai. The said case arises out of the registration of F.I.R. bearing C.R. No. 103 of 2015 with Cuffe Parade Police Station at the instance of the respondent no. 2 for the offence punishable under section 498A, 312, 406, 504, 506 read with 34 of Indian Penal Code. After completion of investigation, chargesheet came to be filed for the offence punishable under section 498A, 312, 504 read with section 34 of Indian Penal Code. Petitioner no.1 and

respondent no.2 were husband and wife. The rest of the petitioners are family members of petitioner no. 1. The matrimonial dispute gave rise to filing of subject criminal case. During the pendency of the petition parties have settled their dispute amicably and have approached the Court for quashing of the said criminal case by consent.

3. Respondent no.2 has filed affidavit on 30th October, 2015. In Paragraph 3 of the affidavit, she has stated that due to intervention of the elders and well wishers, parties have arrived at mutual understanding. In para 5 and 6 she has given consent for quashing of the said criminal case. Respondent no.2 is personally present in the Court. She confirms the contents of the affidavit. On specific query, she has stated that she has no objection to quash the said proceedings.

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 criminal proceedings 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 criminal proceedings are required to be quashed.

5. At this stage, the learned counsel appearing for respondent no. 2 points out that the petitioner has deposited an amount of Rs. 8 lac with the Registrar of Sessions Court, Bombay. The learned counsel for the petitioner states that the petitioner has no objection if the respondent no. 2 is allowed to withdraw the said amount. In that view of the matter, we grant liberty to respondent no. 2 to apply before the Sessions Court for withdrawal of the said amount of Rs. 8 lac together with interest accrued thereon. If such application is made, the Registrar of Sessions Court shall allow the respondent no. 2 to withdraw the said amount.

6. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)