

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4724 OF 2014

Shri Mastan Ali Mohammad

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. J.P.Singh for the Petitioner.

Mr. Mandar Soman for the Respondent No.2.

Mrs. M.M. Deshmukh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 13, 2015.**

P.C.

1. This petition is filed under Article 226 of the Constitution of India r/w. with the provisions of Section 482 of Cr.P.C. for quashing the proceeding of Criminal Case No. 1203 of 2011 pending on the file of the Metropolitan Magistrate's 31st Court, Vikhroli. The said case arises out of registration of F.I.R.No.225/2011 by the Parkside Police Station, Mumbai at the instance of the respondent no.2 for the offence punishable under Section 498A, 406 of IPC.

2. During pendency of trial parties settled their disputes amicably and have approached this Court to quash and set aside the proceeding of the said criminal case. The petitioner and the respondent no.2 have filed consent terms dated 13.4.2015. The consent terms are signed by the petitioner and respondent along with their respective counsel. Consent terms are taken on record and marked "X" for identification. Undertaking given in the consent terms is accepted.

3. Respondent No. 2 is personally present before the Court. On specific query made by us, she submitted that she has submitted that she has filed the consent on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the criminal proceedings in question initiated by her against the Petitioner for the offence punishable under sections 498A, 406 of IPC.

4. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioners is personal in nature and no public law is involved in the crime. In the circumstances, and especially, in view of the law laid down by the

Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

5. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceedings.

6. Accordingly, petition is allowed in terms of prayer clause (b).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)