

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

WRIT PETITION NO.100 OF 2016

Mr. Aslam Sayyed Jehangir Sayyed & Ors.Petitioners
V/s.
Farah Sayyed & Anr.Respondents.

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Mr. Javed Dhorajiwala i/by MZM Legal, Advocate for the Petitioners.
Mr. D.N.Kadam i/by Sufiyan Qureshi, Advocates for the Respondent No.1.
Mr. F.R.Shaikh, APP for the Respondent-State.

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**CORAM : RANJIT MORE &
A. K. MENON, JJ.**

DATE : 20TH JANUARY, 2016.

P.C.:

Heard learned counsel for the respective parties and the learned APP for the State.

2 This Petition is filed under Article 226 of the Constitution of India read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 to quash and set aside the proceedings of Criminal Case No.433 of 2010 pending on the file of 3rd J.M.F.C., Panvel. The said case arises out of registration of the F.I.R. bearing C.R.No.57 of 2010 with Kharghar Police Station at the instance of the Respondent No.1 for the offences punishable under Sections 498(A), 406, 506 read with

Section 34 of the Indian Penal Code, 1860.

3 The Petitioner No.1 and the Respondent No.1 were married on 28.8.2005. Rest of the Petitioners are family members of the Petitioner No.1. Matrimonial disputes between the parties gave rise to the filing of civil as well as criminal proceedings.

4 Pending trial, parties settled their disputes amicably and agreed to separate and accordingly, filed Consent Terms before the Family Court, Bandra in Maintenance Petition No.E-293 of 2010. In pursuance of an understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal case.

5 Respondent no.1 has filed affidavit dated 20.1.2016. In paragraph 6 of it, she has given no objection to quash the proceedings of the subject criminal case. Respondent No.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has understood the contents thereof and she has no objection if the subject criminal case is quashed and set-aside. She also stated that she is giving no objection for quashing the

subject criminal case out of free will and without there being any pressure or coercion.

6 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 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 subject criminal case is required to be quashed. The Petition is, accordingly, made absolute in terms of prayer clauses (a) & (b) and is disposed of as such.

(A. K. MENON, J.)

(RANJIT MORE, J.)