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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.20 OF 2016

Naziya Javed Pathan

..Applicant.

V/s.

State of Maharashtra and Ors.

..Respondents.

Mr.A.B.Ansari for the applicant.

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

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

DATED : 13TH JANUARY, 2016

P.C. :-

1. Heard learned counsel for the applicant, learned counsel for respondent Nos.2 to 4 and learned A.P.P. for the State. The complainant herself has approached this Court invoking the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. bearing No.482/2015 registered with the Oshiwara police station, Mumbai against respondent Nos.2 to 5 for the offences punishable under Sections 498A, 323, 504 and 406 read with Section 34 of the Indian Penal Code.

2. Applicant and respondent No.2 are wife and husband and rest of the respondents are family members of respondent

No.2. Matrimonial disputes between the parties gave rise to the filing of subject F.I.R.

3. Pending investigation, the parties have amicably settled their dispute and in pursuance of the understanding arrived at between them, they have approached this Court for quashing of the subject F.I.R. by consent. Applicant has filed an additional affidavit on 6th January, 2016. In the affidavit, she has made averment that she is staying with respondent No.2 and she does not intend to pursue the subject F.I.R. She has stated that she has no objection if the subject F.I.R. is quashed. Applicant is personally present before the Court. On a query, applicant has specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject FIR is quashed. She also states that she is giving no objection for quashing the subject F.I.R. out of free will and without there being any pressure or coercion.

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 **B.S.Joshi versus State of Haryana AIR 2003 SC 1386**, we are of the view that quashing of the proceedings of the criminal case would be in the interest of applicant. Besides 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 F.I.R. is required to be quashed.

5. Accordingly, the criminal application is made absolute in terms of prayer clause (a) and is disposed of as such.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)