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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.831 OF 2016

Shakir Bhagwani and Anr.

..Petitioners.

V/s.

Smt. Mariyam Shakir Bhagwani and Ors.

..Respondents.

Mr.Sayed Mauzam Momin Ali Bukhari for the petitioners.

Mr.F.R. Shaikh, APP for respondent-State.

Ms.Masreen Ayubi for respondent No.2.

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

DATED : 3RD MARCH, 2016

P.C. :-

1. At the outset, learned counsel for the petitioners seek leave to amend the prayer clause (a) so as to give the particulars of the criminal case. Leave as prayed is granted. Necessary amendment to be carried out forthwith.

2. Heard learned counsel for the petitioners, learned counsel for respondent No.1 and learned A.P.P. for the State.

3. This petition is filed under Article 226 of the Constitution read with the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the Criminal Case No.1334/PW/2014 pending on the file of the learned Metropolitan Magistrate, 22nd Court, Andheri (East), Mumbai. The said case arises out of F.I.R. bearing C.R. No.2/2009 registered with Amboli police station Mumbai at the instance of respondent No.1 against the petitioners for the offences punishable under Sections 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

4. Petitioner No.1 and respondent No.1 were married in the year 1999. However, they were separated by a decree of divorce passed in the year 2007. Petitioner No.2 is the father of petitioner No.1.

5. Pending trial, the parties amicably settled their dispute and in pursuance of said understanding, they have approached this Court for quashing the subject criminal case by consent. Respondent No.1 has filed an affidavit dated 3rd March, 2016. In paragraph 4, she has stated that she has no objection if the subject criminal case is quashed. Respondent

No.1 is personally present before the Court. She is identified by her Advocate. On a query, respondent No.1 specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject criminal case is quashed. She also stated that she is giving no objection for quashing the said proceedings 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. From the perusal of complaint, it transpires that the allegations are personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any serious impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh V/s. State of Punjab [2014 AIR SCW 2065]**, we find 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, Criminal Case No.1334/PW/2014 pending on the file of the learned Metropolitan Magistrate, 22nd Court, Andheri (East), Mumbai is

required to be quashed.

7. Accordingly, the petition is made absolute in terms of prayer clause (a).

8. Subject to the above, the petition stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)