

hvn

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 844 OF 2016**

Mrs.Amina Shahnavaz Qureshi and Ors. ..Petitioners

Versus

State of Maharashtra and anr. ..Respondents

Mr. M.A. Choudhary i/by Mr. K.T. Pawar for the petitioners.

Mrs. U.V. Kejriwal, APP for the State.

Mr. S.B. Thorat for respondent no. 2.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.
DATE : 01 MARCH, 2016.**

P. C. :

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

2. This petition is filed under the provisions of article 226 of the Constitution read with Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal proceeding bearing CC No.604/PW/16 pending in the Court of Learned Metropolitan Magistrate, 66th Court, Andheri (East) registered on the basis of F.I.R. bearing No. 78 of 2015 registered with Amboli Police Station at the instance of respondent No.2 against the petitioners for the offences punishable under Sections 498-A, 495, 406, 504, 506(II) read with

Section 34 of the Indian Penal Code.

3. Petitioner No.2 and respondent No.2 are husband and wife and rest of the petitioners are family members of petitioner No.1. Matrimonial disputes between the parties gave rise to the filing of several criminal cases as well as civil matters. The subject matter of the present petition is one of them.

4. Pending the trial, the parties have amicably settled their dispute. Respondent No.2 has filed an affidavit on 24/02/2016. In paragraph 4, she has stated that she has no objection if the subject criminal case is quashed. Respondent No.2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent No.2 has specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection if the subject criminal proceedings are quashed. She also states that she is giving no objection for quashing the subject criminal case out of free will and without there being any pressure or coercion.

5. 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 respondent No.2. 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 criminal case is required to be quashed.

5. Accordingly, the Criminal writ petition is made absolute in terms of prayer clause (b) and is disposed of as such.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]