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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

WRIT PETITION NO. 1065 OF 2016

Sabir Abdul Jabbar Sayyed & Ors. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. A.A. Siddiqui i/by M/s. A.A. Siddiqui & Associates for the petitioners.

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

Mr. M.M. Kale for respondent no. 3.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.
DATED : APRIL 05, 2016.**

P.C.

1. By this petition filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, petitioners/accused in Crime No. 580 of 2011 for the offence punishable under sections 498A, 406 read with 34 of Indian Penal Code registered with Mumbra Police Station, Thane registered at the instance of respondent no. 3 are praying for quashing the FIR as well as consequent prosecution pending against them vide Regular Criminal Case No.175 of 2012 on the file of the learned

Judicial Magistrate, First Class, Thane.

2. Heard learned counsel for petitioners/accused as well as for respondent no. 3. According to learned counsel appearing for Petitioners and Informant Rubina Sayed in this matrimonial dispute, parties have arrived at compromise because of indulge of the well wishers and the relatives. Hence, according to them, informant is not desirous of prosecuting the Regular Criminal Case initiated at the instance of the State.

3. We have also heard learned APP and perused the chargesheet.

4. Respondent no. 3/informant is present before the Court duly identified by learned counsel. Upon being inquired, she submits that she is not desirous of continuing the prosecution. Respondent no.3/informant has placed on record an affidavit stating that she has no objection if the FIR as well as consequential criminal case is quashed.

5. It is seen that the matrimonial dispute between the parties is settled because of intervention of the well wishers and the

relatives. As such informant/respondent no.3 is not desirous of prosecuting the accused persons. The dispute is personal and no public law element is involved in the matter. Hence, petition deserves to be allowed and hence, order :

(a) Writ Petition is allowed.

(b) FIR No. 580 of 2011 dated 17.11.2011 registered with Mumbra Police Station Thane at the instance of respondent no. 3 Rubina for the offence punishable under sections 498A, 406 read with section 34 of Indian Penal Code and resultant Regular Criminal Case No.175 OF 2012 on the file of the learned Judicial Magistrate,First Class,Thane is quashed and set aside.

(A.M. BADAR,J.)

(NARESH H. PATIL, J.)