

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.939 OF 2015

Miss Naziya Shaikh & Others Applicants.

V/s

Mr. Akhtar Shahabuddin Shaikh & Anr. Respondents.

Mr. Irfan Shaikh for Applicant.

Mr. Akhtar Sahabuddin Shaikh – Respondent No.1 in person.

Mrs. M.H. Mhatre, APP for Respondent/State.

Ms. Naziya Shaikh – Applicant No.1 present.

Mr. Parvez Salim Shaikh – Applicant No.2 present.

**CORAM: V. M. KANADE &
MS. NUTAN D. SARDESSAI, JJ.**

DATE: 28th November, 2016

P.C.:-

1. This is an application for quashing the criminal complaint filed by the husband against his wife and her relatives for the offences punishable under sections 452, 143, 147, 149, 323, 354, 504 of Indian Penal Code.

2. Complainant is present in Court. He has tendered his affidavit in which it is stated that he has no objection if the complaint is quashed. He has stated that parties have amicably settled the dispute and the Applicant No.1 has withdrawn the complaint filed under the Domestic

Violence Act and she has also withdrawn the complaint lodged at Bodhan Police Station.

3. Complainant is present in Court and she has filed an affidavit dated 28/11/2016 which is taken on record. In view of the judgment of the Apex Court in *B.S. Joshi vs. State of Haryana*¹, there is no impediment in quashing this complaint by consent.

4. Since we are satisfied that quashing of the complaint is in the best interest of the wife and her family members, Application is allowed in terms of prayer clause (a). It is clarified that all proceedings arising out of the said complaint and which are now pending in the Court of JMFC, Vashi are also quashed.

5. Application is accordingly disposed of in the aforesaid terms.

(MS. NUTAN D. SARDESSAI, J.)

(V.M. KANADE, J.)

¹ (2003) 4 SCC 675