

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

CRI. WRIT PETITION NO. 3250 OF 2016

Mr. Wasim Ahmed Shabbir Ansari & Ors. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Miss. Tahera Abdul Rashid Qureshi, Advocate for the
Petitioner.

Dr. F.R. Shaikh, APP for the State.

Mr. Vipin B. Kumar, Advocate for Respondent No. 2.

**CORAM : V. M. KANADE AND
Ms.NUTAN D.SARDESSAI, JJ.**

DATE : 22nd DECEMBER, 2016

P.C. :

1 Not on Board. Mentioned. Taken up on production
board.

2 Heard the learned counsel appearing on behalf of
the Petitioner and the learned counsel appearing on behalf of
Respondent No.2- complainant.

3 This petition is filed for quashing the criminal
complaint filed by Respondent No.2 against the Petitioner for

the offence punishable under sections 498-A & 406 r/w. 34 of the Indian Penal Code.

4 Respondent No.2-complainant is present in the court. She has stated that she has no objection if the complaint filed by her is quashed. Since the parties have amicably settled the dispute and Respondent No.2 has re-married thereafter, we are satisfied that quashing of the criminal complaint is in the best interest of the wife. Therefore, the ratio of the judgment of the Apex Court in the case of **B. S. Joshi vs. State of Haryana & Anr.**, reported in AIR 2003 Supreme Court 1386, would squarely apply to the present case. It is, therefore, submitted that the petition be allowed by quashing the criminal complaint. Normally this court is reluctant to quash the proceedings at the production stage. However, since we are informed that Respondent No.2 could appear before us with great difficulty as she is re-married, we are inclined to take up the matter for final disposal.

5 Therefore, the writ petition is allowed in terms of prayer clause (a) and the same is disposed of accordingly.

(Ms.NUTAN D.SARDESSAI,J)

(V.M.KANADE,J)

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