

BDPPS

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

CRIMINAL WRIT PETITION NO. 3745 OF 2016

Mr. Feisal Safdar Syed Kadri
and Others

..... Petitioners.

v/s

State of Maharashtra and Another.

..... Respondents.

**WITH
CRIMINAL WRIT PETITION NO.2763 OF 2015**

Smt. Farha Zakir Ali
and Others

..... Petitioners.

v/s

State of Maharashtra & Anr.

..... Respondents.

Mr. Sandeep R. Waghmare for the Petitioners in Criminal Writ Petition No.3745 of 2016 and in Criminal Writ Petition No.2763 of 2015.
Mr. Hitesh Vyas for Respondent No.2 in Criminal Writ Petition No.3745 of 2016 and in Criminal Writ Petition No.2763 of 2015.

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

DATE: 18th November, 2016

P.C.:-

1. Heard the learned Counsel appearing on behalf of the Petitioners.

2. These Petitions have been filed for quashing the criminal complaint filed by Respondent/wife for the offence punishable under section 498-A and other provisions of the Indian Penal Code. Complaint was filed against the husband and in-laws. Respondent/wife, at the moment, is residing in Saudi Arabia.

3. Parties have now amicably settled the dispute. Respondent/wife has withdrawn the complaint which was filed by her under Domestic Violence Act. We have personally interviewed Respondent/wife and she has stated that she has no objection if the complaint is quashed because she would like to move on with her life and the dispute has now been settled. All the Petitioners are present in Court.

4. Respondent/wife is 28 years of age and she has full life ahead of her and therefore we are of the view that quashing of the complaint subsequent to divorce by mutual consent under the Special Marriage Act will be in the best interest of the Respondent/wife. By way of permanent alimony, she has received an amount of Rs 5 lakhs by Demand Draft and Demand Draft of Rs 2.50 lakhs has been paid today to her in Court. Balance amount of Rs 2 lakhs will be paid after the consent terms are filed in the Family Court.

5. The Apex Court in *B.S. Joshi vs. State of Haryana*¹ and in

¹ (2003) 4 SCC 675

*Narinder Singh & Others vs. State of Punjab and another*¹ has observed that though the complaints which are filed under section 498A are not compoundable, they can be quashed under section 482 of the Criminal Procedure Code if both the parties amicably settle the dispute. Same view has been taken by the larger Bench of the Apex Court in *Gian Singh vs. State of Punjab and another*². Ratio of these judgments of the Apex Court will squarely apply to the facts of the present case. We have no hesitation in quashing the complaint filed by Respondent/wife by consent.

6. We accordingly allow the Writ Petition No.3745 of 2016 in terms of prayer clause (a) and Writ Petition No.2763 of 2016 in terms of prayer clause (b).

7. Both these Writ Petition are disposed of.

(MS. NUTAN D. SARDESSAI, J.)

(V.M. KANADE, J.)

1 2014 AIR SCW 2065

2 (2012) 10 SCC 303