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

CRIMINAL WRIT PETITION No. 4282 OF 2016

Sajeed @ Shoaib S/o. Iqbal Kazi & Ors.

...Petitioners

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. S.G. Rajput a/w. S.B. Gothwal, for the Petitioners

Mr. M.S. Shaikh i/b. Aslam S. Shaikh, for Respondent No.2

Mr. K.V. Saste, APP for the State

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

DATE : DECEMBER 21, 2016

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioners, learned APP for the State, and the learned counsel appearing on behalf of Respondent No. 2

2. By this petition, which is filed under Article 226 of the Constitution of India and under section 482 of Cr. P. C., the Petitioners are seeking an appropriate writ, order and direction, directing for quashing of the criminal complaint filed by Respondent No. 2, registered vide C. R. No. 83/2015 for the offence punishable under

sections 498A, 406, 504, 506 r/w. 34 of the Indian Penal Code, with Chunnabhati Police Station. Respondent No. 2 is present in the Court. She has also filed an affidavit in reply, stating therein that she has no objection if the complaint is quashed. In the affidavit in reply, she has stated that both of them have obtained divorce by mutual consent and the consent terms were filed in the matrimonial proceedings. She has agreed in the said consent terms that she would give her no objection for quashing of the criminal complaint.

3. In our view, the ratio of the judgment of the Apex Court in the case of ***B.S. Joshi and Ors. Vs. State of Haryana and Anr. [AIR 2003 SC 1386]*** squarely applies to the facts of the present case. We are satisfied that quashing of complaint is in the best interest of Respondent No. 2. Hence, writ petition is allowed in terms of prayer clause (a) and is accordingly disposed of.

Sd/-
Ms. NUTAN D. SARDESSAI, J.

Sd/-
V. M. KANADE, J.