

Abdul Farooq Abdul Rahim Qureshi and anr. ..Petitioners  
Versus  
The State of Maharashtra and ors. ..Respondents

Mr. Vishal M. Deshmukh, advocate for the petitioners.  
Mrs. U. V. Kejriwal, APP for the State.  
Mr. Prashant V. Gurav, advocate for respondent No.2.

**CORAM : RANJIT MORE &  
V. L. ACHLIYA, JJ.**

**DATE : 7<sup>th</sup> JANUARY, 2016.**

**P. C.:**

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of criminal case bearing CC No.2060/PW/2011 pending on the file of 66<sup>th</sup> Metropolitan Magistrate's Court at Andheri, Mumbai. The said case arises out of FIR bearing CR No. 68 of 2011 registered with Powai Police Station, at the instance of respondent No.3, for the offences punishable under Sections 498A and 406 read with Section 34 of the Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.3 were married to each other on 7<sup>th</sup> October, 2009. The petitioner No.2 is the father-in-law of respondent No.3. Marital discord between the parties gave rise to filing of the subject criminal case. Pending trial, the parties have settled their dispute amicably. Accordingly, the marriage between petitioner No.1 and respondent No.3 came to be dissolved. A statement is made at bar that the petitioner and respondent No.3 have subsequently remarried. In the circumstances mentioned above, they have approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. Respondent No.2 has filed an affidavit dated 7<sup>th</sup> January, 2016. In paragraph 3, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. Respondent No.3 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has understood the contents thereof and she has no objection if the proceedings of the subject criminal case are quashed and set-aside. She also stated that she is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

4. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear that the allegations are totally personal in nature. In these circumstances and

especially in view of the law laid down by the Apex Court in the case of **B.S.Joshi versus State of Haryana AIR 2003 SC 1386**, we are of the view that quashing of the criminal proceedings would be in the interest of respondent No.3. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the proceedings of the subject criminal case are required to be quashed and set-aside. The petition is, accordingly, made absolute in terms of prayer clause (i) and is disposed of as such.

**[V. L. ACHLIYA, J.]**

**[RANJIT MORE, J.]**