

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

CRIMINAL WRIT PETITION NO.1462 OF 2017

Rehan Rashid Khan & Ors.	 Petitioners
versus	
The State of Maharashtra & Anr.	... Respondents
.....	

- Mr.A.R. Shaikh, Advocate for the Petitioners.
- Mrs.S.V. Sonavane, APP for the State/Respondent.
- Mr.Anand B. Mishra, Advocate for Respondent No.2.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**
DATE : 07th JUNE, 2017.

P.C. :

1. Heard learned counsel for the petitioner, respondent No.2 and the learned APP.
2. The petition is filed for quashing and setting aside the Criminal Case No.479/PW/2016 pending on the file of Metropolitan Magistrate, 51st Court, Kurla, Mumbai.
3. The said criminal case arises out of crime bearing No.117/15 registered with Kurla Police Station at the instance of respondent for the offences punishable u/s 498-A, 406 r/w 34 of IPC.

4. The petitioner No.1 and respondent No.2 got married as per the Islamic rites on 11/05/2012. Rest of the petitioners are the in-laws of respondent No.2. Due to matrimonial dispute, the parties could not reside together and ultimately the petitioner No.1 has divorced respondent No.2 on 04/07/2014. The matrimonial discord gave rise to the registration of the above mentioned crime at the instance of respondent No.2. After completion of the investigation charge-sheet is filed which is accordingly numbered as 479/PW/2016 and pending at 51st Metropolitan Magistrate Court, Kurla, Mumbai as stated above.
5. Pending trial, the parties have settled the dispute amicably and have decided to approach this Court for conclusion of the subject criminal case. The respondent No.2 accordingly has filed affidavit dated 04/04/2017. In the affidavit she has stated that the dispute between the petitioner and the respondent has been resolved on the condition that the petitioner No.1 shall pay a lump sum amount of maintenance of Rs.94,000/- and on this assurance she has agreed for quashing of the said criminal case. In paragraph No.6 of the said affidavit she has given no objection to quash the said criminal case.

6. Respondent No.2 is personally present in the Court. On specific query, she has stated that, the contents of the affidavit were explained to her in vernacular and she has understood the contents therein. She has also stated that the amount of Rs.94,000/- which the petitioner No.1 agreed to pay her by way of maintenance, is already received. In view thereof, she has no objection to quash the proceeding of the said criminal case.

7. 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 case would be in the interest of respondent No.2. 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 interest of justice, the subject criminal case No.479/PW/2016 is to be quashed. The petition is accordingly, made absolute in terms of prayer clause (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)