

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1606 OF 2017

Mohammad Farooq Khatri and ors.	Petitioners
versus	
The State of Maharashtra and ors.	Respondents

Mr. Siraj Faruk Ghiwala, advocate for the petitioners.
Ms. Sangeeta D. Shinde, APP for the State.
Mr. D. S. Padwal, advocate for the respondent No.3.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 20th JULY, 2017.

P. C. :

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

2. The petition is filed for quashing and setting-aside the proceedings of the criminal case No.2369/PW/2016 pending on the file of the learned Metropolitan Magistrate, Railway Court at Andheri. The said case arises out of registration of the FIR bearing CR No.134 of 2015, at the instance of the respondent No.3, with Oshiwara Police Station for the offences punishable under Section 498-A of the Indian Penal Code, 1860.

3. The petitioner No.1 and respondent No.3 were husband and wife. Rest of the petitioners are the relatives of the petitioner No.1. Matrimonial dispute between the parties gave rise to registration of the subject FIR/criminal case.

4. Pending trial, the parties have settled their dispute amicably and in pursuance of an understanding arrived at between them, they have approached this Court for quashing the proceedings of the subject criminal case by consent. The respondent No.3 has filed an affidavit dated 10th April, 2017. In paragraph No.7, she has given consent for quashing the proceedings of the subject criminal case. The respondent No.3 is personally present before the Court. On being questioned, she specifically stated that she has gone through the petition and affidavit as well and has fully understood the contents thereof. She further confirmed that that she is giving no objection for quashing the proceedings of the subject criminal case out of free will and without there being any pressure or coercion.

5. 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 proceedings of the criminal case 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 (a) and is disposed off as such.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]