

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

CRIMINAL APPLICATION NO.467 OF 2017

Tanveer Shakeel Ahmed Khan & Anr. Applicants

versus

Mrs.Sabira Tanveer Ahmed Khan & Anr. ... Respondents

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- Ms.Geetanjali Gheewala, Advocate for the Applicant.
- Mrs.A.S. Pai, APP for the State/Respondent.
- Ms.Nusrat Khan, Advocate for the Respondent No.1.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 17th JULY, 2017.**

P.C. :

1. The learned counsel for the petitioner seeks leave to amend the prayer clause.
2. Leave granted. Necessary amendment shall be carried out forthwith.
3. Heard the learned counsel for the petitioner, respondent No.1 and learned APP.

4. The petition is filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside Criminal Case bearing No.745/16 pending on the file of learned J.M.F.C., 11th Court, Thane, arising out of C.R.No.I-78/15, registered with Shil-Daighar Police Station, Thane, at the instance of respondent No.1 for the offences punishable u/s 498-A, 406 r/w 34 of the Indian Penal Code.
5. The petitioner No.1 and the respondent No.1 are the husband and wife. The petitioner No.2 is the mother of petitioner No.1. The matrimonial dispute between the parties gave rise to civil as well as criminal proceedings. The subject matter of the present petition is one of them.
6. Pending trial, the parties have settled their dispute amicably and in pursuance of an understanding arrived at between them, they have filed consent terms before the Family Court at Bandra in Petition No.E-317/15. Copy of the consent terms is annexed as Ex.B at page No.55 of the petition.

7. In terms of consent terms parties have approached this Court for quashing the criminal proceedings by consent. The respondent No.1 has filed an affidavit dated 16/05/2017. In paragraph No.IX she has given no objection for quashing and setting aside the subject criminal proceedings.
8. The respondent No.1 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject proceedings are quashed and set aside. She has also stated that she is giving no objection for quashing the subject proceedings out of free will and without there being any pressure or coercion.
9. 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 vs. 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.1. 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 subject criminal proceedings 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.)