

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3876 OF 2015

Shri Tanveer Ahmad Ramjanali Shah and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. S. R. Sorankar i/b. S. K. Jain and Associates, advocate for the petitioners.
Mr. S. R. Shinde, APP for the State.
Ms. Poonam Sharma, advocate for the respondent No.2.

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

DATE : 26th JULY, 2017.

P. C. :

Mr. Sorankar, learned counsel for the petitioners, at the outset, seeks leave to amend the prayers of the petition, so as to give particulars of the criminal case. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

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

3. The petition is filed for quashing and setting-aside the proceedings of the CC No.832 of 2015 pending before the learned Metropolitan Magistrate, 49th Court at Vikhroli, Mumbai. The said case

arises out of registration of FIR No. 109 of 2013 with Ghatkopar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 498-A and 406 read with Section 34 of the Indian Penal Code, 1860.

4. The petitioner No.1 was married to respondent No.2. Rest of the petitioners are the family members of the petitioner No.1. Marital dispute between the parties gave rise to filing of subject FIR/criminal case. Pending trial, the parties have settled their dispute amicably and accordingly, the marriage between the petitioner No.1 and respondent No.2 has been dissolved by way of Deed of Divorce by Mutual Consent dated 18th May, 2013. The parties have now approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. The respondent No.2 has filed an affidavit dated 25th July, 2017, wherein she has given her no objection for quashing and setting-aside the proceedings of the subject FIR/criminal case. The respondent No.2 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 subject FIR/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 subject FIR/criminal case would be in the interest of the 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 interests of justice, the proceedings of the CC No.832 of 2015 pending before the learned Metropolitan Magistrate, 49th Court at Vikhroli, Mumbai and arising out of registration of FIR No. 109 of 2013 with Ghatkopar Police Station are quashed and set-aside. The writ petition is, accordingly, disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]