

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

WRIT PETITION NO. 4573 OF 2017

Yasmeen Ismail Khan	...	Petitioner
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Ms.Trupti R. Shetty for the Petitioner.
Ms.S.D. Shinde, A.P.P. for Respondent No.1-State.
Ms.Mumtaz Saleem Shaikh, Respondent No.2-in-person present.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 23rd NOVEMBER, 2017.

P.C. :

1] Heard Ms.Shetty, learned counsel for the Petitioner, Ms.Shinde, learned A.P.P. for Respondent No.1-State and Ms.Mumtaz Saleem Shaikh - Respondent No.2 in-person.

2] The Complainant herself has approached before this Court invoking the jurisdiction under Article 226 of the Constitution of India and Section 482 of the Criminal Procedure Code to quash the proceedings of the FIR bearing C.R. No.79 of 2017 registered at Parksite Police Station at her instance against Respondent No.2 for the offence punishable under Section 392 and 504 of the Indian Penal

Code.

3] Pending investigation parties settled their dispute amicably and in pursuant of the understanding arrived at between them, they have approached before this Court for quashing the subject crime by consent. The petition is affirmed by the Petitioner. The Petitioner is personally present before the Court. On specific query, she has stated that she has gone through the petition and contents thereof. She also states that in view of the fact that the dispute between herself and Respondent No.2 is settled, she has no objection to quash the subject FIR.

4] It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the Criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened.

5] In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR.

6] Accordingly, Writ Petition is allowed in terms of prayer clause (a). The FIR bearing C.R. No.79 of 2017 registered at Parksite Police Station, Mumbai is hereby quashed and set-aside.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]