

SSK

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

WRIT PETITION NO. 2346 OF 2014

Syed Shehzad Abbas Naqvi & ors. ... Petitioners

Versus

The State of Maharashtra & ors. ... Respondents

Mr. Mubin Solkar, i/b Ms. Khimya Bhatia, for the Petitioners.

Mr. K. V. Saste, APP for the State.

Mr. Kevin Gala, i/b K. A. Sayed, for Respondent no.3.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, J J.**

DATE : 28th SEPTEMBER, 2018.

P.C.:-

1. Mr. Solkar, the learned Counsel for the Petitioners at the outset seeks to amend the prayer clause. Leave granted. Necessary amendments shall be carried out forthwith.
2. Heard the learned Counsel for the Petitioners and the learned Counsel for Respondent no.3 and the learned APP for the State.
3. The petition is filed under Article 226 of the Constitution of India for quashing and setting aside the

proceedings of the Criminal Case bearing No.2136 of 2016, pending on the file of Metropolitan Magistrate 71st Court, Bandra, Mumbai. The said case arises out of the registration of the FIR bearing No.740 of 2013 with Santacruz Police Station, Mumbai, at the instance of Respondent no.3 for the offences punishable under Section 498A, 406 r/w 34 of Indian Penal Code.

4. The Petitioner no.1 and Respondent no.3 are husband and wife. Petitioner no.2 and 3 are the parents of Petitioner no.1 and in-laws of Respondent no.3. Matrimonial disputes between the parties gave rise to civil as well as criminal proceedings. Said case is one of them.

5. Pending trial as well as pending this petition, parties have settled their dispute amicably and have filed consent terms dated 27th September, 2018.

6. In pursuant of the understanding arrived between the parties, they have approached this Court for quashing the proceedings arises out of the subject crime by consent. Respondent no.3 accordingly filed her Affidavit dated 27th September, 2018. Copy of the consent terms referred above is annexed to the said petition. The consent terms are signed by Petitioner no.1 and Respondent no.3. Both parties, Petitioner

no.1 and Respondent no.3, who are present in the Court make a solemn statement before this Court that they would abide by the terms of the consent terms. This statement is accepted as undertaking to this Court.

7. On reading paragraphs 1 and 6 of the consent terms make it clear that Respondent no.3 has no objection to quash the proceedings of the subject criminal case. On specific query, Respondent no.3 states that she has gone through the consent terms and understood the contents thereof. She also states that since dispute is settled amicably, she has no objection for quashing the said criminal case. In the light of this statement, we take the consent terms on record and marked 'X' for identification.

8. 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 reported in AIR 2003 SC 1386**, we are of the view that quashing of Criminal Case No.2136 of 2016 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 subject Criminal Case No.2136 of 2016 is required to be quashed. The petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]

Santosh
Subhash
Kulkarni

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2018.10.03
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