

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

CRIMINAL APPLICATION NO.1010 OF 2018

Adil Fazle Rabbi Khan & Ors. ..Applicants
V/s.
The Senior Police Inspector & Ors. ..Respondents

Mr.Sharif Shaikh i/b Mr.Mateen Shaikh for the Applicants.

Ms.S.D. Shinde, APP for the Respondent-State.

Mr.Sajid Qureshi for Respondent No.3.

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

DATE : 24th OCTOBER 2018

P.C.

1. Heard learned counsel for the applicants, learned APP and the learned counsel for the respondent No.3.

2. The petition is filed quashing and setting aside the proceedings of the Criminal Case bearing No.1409/PW/2017 pending in the file of the Metropolitan Magistrate, 51st Court Kurla, Mumbai. The said case arises out of the FIR bearing C.R. No.100 of 2017 at the instance of the respondent No.3 with Kurla Police Station for offences punishable under Section 498A, 323, 504. 406

read with 34 of the Indian Penal Code.

3. The petitioner No.1 and respondent No.3 are husband and wife. Rest of the petitioners are relatives of the petitioner No.1. Matrimonial discord between the parties give rise filing of the subject C.R. which culminated in the subject criminal case. During the pendency of the criminal case the parties have settled their dispute amicably and have approached this Court for quashing the subject proceedings by consent. The respondent No.3 has accordingly, filed affidavit dated 29.07.2018. In paragraph No.4 she has given no objection. Respondent No.3 is personally present. On specific query she has stated that she do not intend to continue the marital relationship with the petitioner No.1. The learned counsel for the applicant also submit that parties are desirous of obtaining decree for divorce. The learned counsel for the petitioner handed over the Demand Draft for an amount of Rs.2 lakhs to the respondent No.3 towards full and final settlement of all her claim. The respondent No.2 specifically state that she has no objection to quash the proceedings.

4. 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 FIR would be in the interest of 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 subject FIR is required to be quashed.

5. The application is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)