

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 177 OF 2019

Shri Maseeha Qasim Shaikh and ors.Applicants
versus
The State of Maharashtra and ors.Respondents

Mr. A. I. Nizami h/f. Mr. Adnan A. Ansari, advocate for the applicants.
Mr. S. R. Shinde, APP for the State.
Mr. H. C. Kazi I/b. Mohd. Omar, advocate for the respondent No.2.

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

DATE : 27th MARCH, 2019.

P. C. :

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

2. The application is filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing and setting-aside the proceedings of criminal case No.111 of 2015 pending on the file of JMFC, 1st Court, Kalyan. The said case arises out of FIR bearing CR No.I-699 of 2014 registered with Mahatma Phule Chowk Police Station, Kalyan, at the instance of respondent No.2, for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The applicant No.1 and respondent No.2 got married in the year 2001. Rest of the applicants are the relatives of the applicant No.1. Matrimonial dispute between the parties gave rise to filing of civil as well as criminal cases and the subject of the present application is one of them.

4. Pending trial, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, filed consent terms before the JMFC, 1st Court at Kalyan in Miscellaneous Application No.97 of 2014. A copy of the said consent terms is placed on record. In terms of the understanding arrived at between the parties, they have now approached this Court for quashing and setting-aside the proceedings of the subject criminal case by consent. The learned counsel for the applicants made a statement that the applicants have complied with the consent terms. The statement is accepted. The respondent No.2 has also filed an affidavit dated 26th March, 2019, wherein she has reiterated whatever that has been stated above and in paragraph 3, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the application and the affidavit as well and has fully understood the contents thereof and she has no objection if the proceedings of the subject criminal case are quashed and set-aside. She

also stated that she is giving no objection for quashing the said proceedings 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 criminal proceedings 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 proceedings of the subject criminal case are required to be quashed and set-aside. 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.]