

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 216 OF 2019**

Mr. Naushad Ahmed Shaikh and ors.Applicants
versus
Ms. Darakhshan Parveen Rais Ahmed Shaikh and anr.....Respondents

Mr. Ubaid A. Ghawte, advocate for the applicants.
Mr. S. R. Shinde, APP for the State.
Ms. Sana Shaikh, advocate for respondent No.1.

**CORAM : RANJIT MORE &
N. J. JAMADAR, JJ.**

DATE : 15th OCTOBER, 2019.

P. C. :

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

2. The application is filed for quashing and setting aside the criminal case No.1522/PW/2017 pending on the file of the learned Metropolitan Magistrate, 10th Court at Andheri, Mumbai. The said case arises out of registration of FIR bearing C.R. No.286 of 2014 with D.N.Nagar Police Station, at the instance of the respondent No.1 against the applicants, for the offences punishable under Sections 498A, 406, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. Applicant No.1 and respondent No.1 were husband and wife. Rest of the applicants are the relatives of applicant No.1. Matrimonial dispute between the parties gave rise to filing of civil as well as criminal cases and the subject criminal case is one of them. Pending trial, the parties settled their dispute amicably with the intervention of their elders and well-wishers and have, accordingly, filed consent terms dated 30th September, 2019, in this Court. The said consent terms are signed by applicant No.1 and respondent No.1. In pursuance of an 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. Respondent No.1 has also filed an affidavit dated 30th September, 2019. In paragraph 7, she has given her no objection for quashing and setting-aside the proceedings of the subject criminal case. Both applicant No.1 and respondent No.1 are personally present before the Court. Both of them stated that they will abide by the terms of settlement. The said statement is accepted as an undertaking to this Court. In addition to this, respondent No.1 also confirmed that she has given no objection for quashing the said proceedings out of her own free will and without there being any pressure or coercion.

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 criminal proceedings would be in the interest of respondent No.1. 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 interest 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.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]