

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2937 OF 2019

Abdul Wahab Biswas.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Ms. Sartaj Shaikh for the Petitioner.

Ms. Sangita Shinde, APP for the Respondent-State.

Ms. Bimal Shah for Respondent No. 2.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.

Date : **September 9, 2019.**

P. C. :

1. Heard learned counsel for the Petitioner, learned counsel for Respondent No.2 and learned APP for the Respondent-State. By this petition filed under Article 226 of Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, the Petitioner has sought to quash and set aside the proceedings of criminal case bearing RCC.No.351 of 2017 pending on the file of JMFC, Vasai. The said proceeding is an offshoot of FIR registered with Waliv Police Station, Palghar, bearing C.R.No.I-156 of 2016. The allegations made by Respondent No.2 in the said FIR are in connection with the commission of offences punishable under sections 377, 323, 504

and 506 of the Indian Penal Code, 1860.

2. The Petitioner and Respondent No.2 are the husband and wife. The learned counsel appearing for the respective parties submitted that some matrimonial skirmishes between the parties led to filing of subject FIR by Respondent No.2 (wife). They further submitted that during the pendency of above criminal proceedings, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above criminal proceedings, by consent of Respondent No.2.

3. The parties through their respective counsel submitted that they have entered into consent terms dated 10th September 2019 and they will abide by the said consent terms. The parties voluntarily submitted that they have been residing together as husband and wife and all the issues have been put at rest. Copy of the consent terms is at Exhibit-B to the petition.

4. In the instant petition, Respondent No.2 (the first informant-wife) has filed an affidavit dated 10th June 2019,

wherein in paragraphs 8 and 9, she has given her no objection to quash the subject proceeding initiated at her instance against the Petitioner.

5. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject criminal proceedings initiated by her against the Petitioner.

6. 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 subject criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened.

7. 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 criminal proceedings. Accordingly, petition is allowed in terms of prayer clause (b).

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]