

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 836 OF 2019**

Mr. Shahnawaz Qutbuddin Shaikh & Ors.	Applicants
Versus	
The State of Maharashtra & Anr.	Respondents

Mr. Vinod P. Sangvikar, Advocate for the applicants.
Ms. Sangita Shinde, APP for the Respondent-State.
Mr. Akshay R. Kapadia, Advocate for respondent No.2.

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

DATE : 16th JULY, 2019.

P. C. :

1. Heard learned counsel for the applicant, the learned counsel for respondent No.2 and learned APP appearing for the respective parties.
2. The application is filed for quashing and setting-aside the FIR bearing C.R.No.213 of 2018 registered with Shivaji Nagar Police Station at the instance of respondent No.2, for the offences punishable under Sections 498A, 354, 327, 323, 504, 143, 147, 149 of the Indian Penal Code, 1860.
2. Applicant No.1 and respondent No.2 are husband and wife and rest of the applicants are the friends of applicant No.1 named in the FIR. 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 and accordingly,

filed consent terms before the learned Single Justice of this Court in Anticipatory Bail Application No.1127 of 2018. Under the consent terms, parties have agreed to reside together.

3. 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 criminal case by consent. Respondent No.2-original complainant has also filed an affidavit dated 6th July, 2019, wherein she has reiterated whatever that has been stated hereinabove and in paragraph 2, she has given her no objection for quashing and setting-aside the subject crime. 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. She has further confirmed that she has given no objection for quashing the said proceedings out of 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.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.]