

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

CRIMINAL APPLICATION NO. 1195 OF 2018

Smt. Kausar Sohail Ansari

.. Applicant

Vs.

1) The State of Maharashtra

& Ors.

.. Respondents

Mr.Rajesh M. Yadav for applicant.

Mr.F.R.Shaikh, APP for respondent No.1-State.

Mr.Abdul Hafeez I/b Sumaira Legal Associates for respondent Nos. 2 to 6.

Smt.Kausar Sohail Ansari-applicant present.

Mr.Mohammed Sohail Yamin Ansari-respondent No.2 present.

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

DATE : 28TH AUGUST 2019

P.C.

1 Mentioned for production. Production granted in view of urgency.

2 Heard the learned counsels for the applicant, the respondent No.2
and the learned APP for the State.

3 The complainant, applicant herein, herself has approached this Court
invoking jurisdiction of this Court under Article 226 of the Constitution of
India read with Section 482 of the Code of the Criminal Procedure, 1973
for quashing the criminal proceeding bearing C.R.No.146/PW/2017

pending on the file of 32nd Court of learned Metropolitan Magistrate at Bandra, Mumbai. The said case arises out of registration of an offence with Nirmal Nagar Police Station bearing C.R. No.311 of 2016 for the offences punishable under sections 498A, 406, 323 and 504 read with 34 of the Indian Penal Code, 1860.

4 The applicant is the wife and the respondent No.2 is the husband. The rest of the respondents are the relations of the respondent No.2 and in-laws of the petitioner. Marital discord between the parties gave rise to filing of several criminal as well as civil cases and the subject matter of the present application is one of them.

5 Pending trial, the parties have settled their dispute amicably, and in pursuance of an understanding arrived at between them, have filed consent terms dated 17th March 2019 in Petition bearing No.E-106 of 2016 before the Family Court at Bandra, Mumbai. Copy of the said consent terms is tendered across the bar.

6 In terms of the consent terms as well as the understanding arrived at between the parties, the parties have approached this Court for quashing the subject crime. The complainant-petitioner and the respondent No.2 are present in Court and submit that they shall comply with the clauses of the consent terms. The statement accepted as an undertaking to this Court. In

addition to this, on a specific query of the Court to the applicant, she stated that has been explained the contents of the application as well as the affidavit, dated 23rd December 2018 in vernacular language and she has understood the same. The applicant further states that in view of the settlement between her and the respondent No.2, the proceedings of the said criminal case can be quashed and set aside. In paragraph 7 of the affidavit, the applicant has also confirmed that she has given no objection for quashing the subject criminal case on her own free will and without there being any pressure or coercion.

7 In view of above, 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*¹, we are of the view that quashing of the criminal case would be in the interest of applicant. 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 is required to be quashed.

1 AIR 2003 SC 1386

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

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]