

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4238 OF 2005

Mohammed Mukarram Mulla ..Applicant

Vs.

State of Maharashtra ..Respondents

...
Mr.V.S.Rajguru Advocate for Applicant
Mr.Rajesh More A.P.P. for the State
Mr.K.S.Irani for original complainant.
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 30,2005

P.C.

1. Heard the learned advocate for the applicant, the learned A.P.P. for the State and the learned advocate for the original complainant.

2. The applicant is seeking quashing of FIR bearing No.244 of 2001 of Bandra Police Station. The said case is registered under Sections 498-A and 406 of IPC on the complaint of Ms.Gulnaz Atique Ahmed Shaikh formerly known as Gulnaz Mohammed Mukarram Mulla who was the wife of the applicant.

3. The complainant i.e. Ms.Gulnaz has filed an affidavit wherein she has stated that she has settled the matter amicably with her former husband i.e. present applicant. She has further stated that she has no grievance of any nature against her former husband (applicant) and his relatives. It is stated in the affidavit that she does not wish to proceed against the applicant in any manner. The said affidavit is taken on record and marked as 'X' for identification.

4. The learned counsel for the applicant submits that in view of the settlement, the case ought to be quashed. Reliance is placed on various decisions of the Supreme Court and this Court wherein when the parties have amicably settled the dispute, the proceedings in those cases have been quashed. Reliance is placed on the following decisions:

- 1) **B.S.Joshi Vs. State of Haryana,**
AIR 2003 SC 1386;
- 2) **Fahimuddin Vs. State of U.P.**
AIR 1981 SC 2008(3);

- 3) Judgment of the Division Bench of this Court in Cri.W.P.No.1672 of 2002 dated 20.12.2002 [Alan Douglas Grant Vs. State of Mah.]
- 4) Order dated 27.3.2001 passed by His Lordship Mr.Justice S.S.Parkar in Cri.W.P.No.366 of 2001.

5. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that complainant does not wish to pursue her complaint, I am of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, FIR bearing No.244 of 2001 lodged with Bandra Police Station and the proceedings relating thereto, are quashed and set aside.

6. Application is disposed of.

[V.K.TAHILRAMANI,J.]