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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 361 OF 2016

1. Mr. Pervaze @ Pervaz Ayaz Maniar
2. Mr. Ayaz Maniar
3. Mrs. Tanveer Ayaz Maniar .. Petitioners

Versus

1. The State of Maharashtra
2. Mrs. Hajara w/o Pervaze Maniar .. Respondents

Ms. Tahera Qureshi for petitioners.

Mrs. S. V. Sonawane, APP for State.

Mr. Khalid Ansari a/w Yakub Shaikh for respondent no.2.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

JULY 21, 2016.

P.C.

1. Leave to correct the name of respondent no.2. Correction be carried out forthwith.

2. Rule. Rule is made returnable forthwith. Heard finally by consent of parties.

3. The petitioners are accused in a crime registered with Nirmal Nagar Police Station, on a complaint filed by respondent no.2, vide FIR No. 26 of 20015 for offences punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code. The FIR was initially registered by Mira Road Police Station being C.R. No.00/2015, which was later on transferred to Nirmal Nagar Police Station and registered as FIR No. 26 of 2015.

4. The respondent no.2 – complainant got married to petitioner no.1 on 3/12/2006. There arose disputes between the parties. The complainant had also filed an application under the Domestic Violence Act before the Judicial Magistrate, First Class, 11th Court, Thane being D. V. Case No.119 of 2014, which is still pending.

5. The complainant filed affidavit before this court. In paras 6, 7 and 8 of the said affidavit she states as under :-

“6. I say that pursuing the said Complaint/FIR against the petitioners would further take away my peace from life. I have therefore agreed to resolve the matter amicably and have decided not to pursue to the said F.I.R. lodged against the Petitioners.

7. I have also agreed not to take any further action against the Petitioners in pursuance to the said F.I.R. lodged against them and I am ready for quashing of the said F.I.R.

8. I hereby give my full and absolute consent and No Objection for quashing the said FIR registered by me bearing C.R. No.00/2014 on 13/06/2014 which was subsequently transfer to Nirmal Nagar Police Station being C.R. No. 26/15 dated 04.02.2015 for offences punishable u/s 498-A, 406, 323, 504, 506 r/w 34 of I.P.C.”

6. The complainant and the petitioners are present in court and they have been identified by their respective Advocates. Learned counsel for the petitioners and respondent no.2 submit that petitioner no.1 and the complainant have executed a divorce deed, copy of which is placed on record. They got separated. It is further stated that the petitioners had paid an amount of Rs.5 lakhs to the respondent no.2 by way of Demand Draft dated 11/1/2016 drawn on ICICI Bank, Bandra, Mumbai. Respondent No.2 states that she has received the said amount.

7. The petitioners and respondent no.2 pray for quashing and setting aside the FIR.

8. In the facts, we find that the parties have mutually settled their disputes and differences. No purpose will be served in keeping the FIR pending.

9. F.I.R No. 26 of 2015 dated 4/2/2015 registered with Nirmal Nagar Police Station, Mumbai for offences punishable under Sections 498-A, 323, 504, 506, 406 read with Section 34 of the Indian Penal Code is hereby quashed and set aside.

10. Rule is made absolute in the above terms.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)