

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.620 OF 2016

Mohammed Bilal Ahmed Hussain Namhra,
R/o.Mukti, B-304, Kalyan Complex,
Yari Road, Andheri (W), Mumbai

Petitioner

versus

1. The State of Maharashtra,
2. The Senior Inspector of Police,
Versova Police Station, Mumbai.
3. Asraf Tahsin Qureshi,
4. Anwar Asraf Qureshi,
5. Sameer Asraf Qureshi,
6. Mrs.Samim Asraf Qureshi,
7. Zeenat Asraf Qureshi,
All R/o.C-303, Geet Ganga Building,
Phase No.10, Mira Road(E), Thane.

Respondents

Mr.Prabhakar Pandey for Petitioner.
Mrs.M.M.Deshmukh, APP for State.
Ms.Zeenat Asraf Qureshi, Respondent no.7, present.

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

DATE : 18 July 2016

PC :

1. On a complaint filed by Zeenat Asraf Qureshi (Respondent no.7 herein-complainant), a first information report ('FIR') for the offences punishable under Sections 354, 506(II) and 323 of

Indian Penal Code came to be registered against Mohammed Bilal Ahmed Hussain Namhra (Petitioner herein) vide CR No.42 of 2015. Petitioner is the father-in-law of Respondent no.7-complainant. The Petitioner and Respondent no.7-complainant have agreed to mutually settle the dispute and bury their misunderstandings. Respondent no.7-complainant is personally present in the Court. She has not engaged a lawyer. She has filed an affidavit dated 18 July 2016. In paragraph 2 of the said affidavit, the Respondent no.7-complainant has stated as follows:

"2. I say that I am informant in Crime No.42/2015 registered with Versova Police Station of Mumbai u/s.354-A of IPC. I further say that the Petitioner was my father-in-law and I have obtained Talaak from my husband one and half year ago and I have also compounded all disputes in between me and my husband. I have also withdrawn D.V.Case No.112 of 2015 before M.M. 32nd Court, Bandra. I have also withdrawn the petition before the Family Court. I have lodged my complaint against my father-in-law in frustration and sudden provocation. Now I feel that I have committed serious mistake by lodging my complaint against my father-in-law who is very good person and never acted as my complaint and allegation is recorded in my FIR, I have now decided to leave my son with father-in-law and ex-husband for his better future. I have also decided not to proceed against my father-in-law in Complaint Crime No.42 of 2015. I have no objection for quashing of the FIR No.42 of 2015 u/s.354-A, 506 (II), 323 of IPC of Versova Police Station, Andheri, Mumbai. I say that I am making this affidavit with my free consent and will without any undue influence or coercion of the Petitioner or any other person."

2. Learned counsel for Petitioner submits that the disputes being internal family matter, it will be advisable to allow the parties to get the disputes settled by quashing and setting aside the FIR.

3. Learned APP submits that the allegations made by the first informant are of serious and disturbing nature. Now, the Respondent no.7-complainant has taken altogether different stand in the affidavit. Therefore, suitable costs are required to be awarded in this case, which shall be paid by the Petitioner.

4. We have perused the record and considered the submissions. No doubt the allegations made in the complaint filed by Respondent no.7 are of highly disturbing nature. A request has been made by both the parties i.e. the Petitioner and Respondent no.7 to quash the complaint.

5. Normally considering the serious allegations made by the complainant, we would have been slow in interfering in the matter, but taking into consideration the facts in its entirety, close relationship of the parties inter se, we are of the view that the parties be allowed to get the complaint quashed.

6. We find that Police machinery was set in motion by Respondent no.7 by filing a complaint. Investigation commenced thereafter. In the peculiar facts and circumstances

of the case, we would allow the parties to get the complaint/FIR quashed, subject to payment of costs.

7. Accordingly, we pass following order :

(a) First Information Report for the offences punishable under Sections 354, 506(II) and 323 of Indian Penal Code registered by Zeenat Asraf Qureshi (Respondent no.7) against Mohammed Bilal Ahmed Hussain Namhra (Petitioner herein) vide CR No.42 of 2015 is quashed and set aside, subject to payment of costs of Rs.15,000/- to be paid by the Petitioner to the Police Welfare Fund on or before 1st August 2016;

(b) Payment of costs is a condition precedent for quashing the FIR. The order of quashing the FIR would be operative after the Petitioner deposits the amount of costs and submits receipt of the same to the registry of this Court;

(c) The In-charge Police Officer of Versova Police Station, Mumbai shall take cognizance of this order only if Petitioner produces an authenticated copy of this order along with a photostat copy of receipt of payment of costs;

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)