

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2231 OF 2016

Asraf Tahsin Qureshi,
R/o.Flat No.401, Geetganga Building,
Bhayander, Near Fly Over Bridge,
Mira Road, Dist. Thane

Petitioner

versus

1. The State of Maharashtra,
2. The Senior Inspector of Police,
Nirmal Nagar Police Station, Mumbai.
3. Smt.Salma Salim Qureshi,
R/o.Abdulla Chawl, 3rd Lane,
Vikhroli East, Mumbai.

Respondents

Mr.A.S.Dubey for Petitioner.
Mrs.M.M.Deshmukh, APP, for State.
Smt.Salma Salim Qureshi, Respondent no.3, present.

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

DATE : 18 July 2016

PC :

1. On a complaint filed by Smt.Salma Salim Qureshi (Respondent no.3 herein-complainant), a first information report ('FIR') for the offences punishable under Sections 354, 505 and 509 of Indian Penal Code came to be registered against Ashraf Tahsin Qureshi (Petitioner herein) vide CR No.74 of

2015. Petitioner is the brother of husband of Respondent no.3-complainant. The Petitioner and Respondent no.3-complainant have agreed to mutually settle the dispute and bury their misunderstandings. Respondent no.3-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.3-complainant has stated as follows:

"2. I say that I am informant of Crime No.74 of 2015 registered with Nirmal Nagar Police Station of Mumbai u/s.354, 509, 504 of IPC of Nirmal Nagar Police Station. I further say that the Petitioner is my cousin elder brother. On the date of incident my one of the child was sick. Therefore, I was looking for his medical treatment. At the same time, the Petitioner used some words and in misunderstanding I lodged my complaint against Petitioner u/s.354, 509, 504 of IPC. I say that I again inquired about the incident and found that there was my misunderstanding. Therefore, as a result, I have lodged the complaint and I am now feeling that I have wrongly lodged the complaint u/s 354, 509, 504 of IPC against the Petitioner. I have decided not to proceed in the matter against the Petitioner and I have no objection for quashing of FIR No.74 of 2015 of Nirmal Nagar Police Station. 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. We have perused the record placed before us and considered the submissions. It seems that parties are related inter se. They have decided to put an end to their disputes and settle the matter. The allegations made are of personal nature. The complainant has filed affidavit. Parties are present before this Court and Respondent no.3 is identified by the investigating officer.

4. In the facts, we are of the view that the parties be allowed to settle the matter and get the FIR quashed.

5. Accordingly, we pass following order :

(a) First Information Report for the offences punishable under Sections 354, 509 and 506 of Indian Penal Code registered by Salma Saleem Qureshi (Respondent no.3) against Mohammed Ashraf Tahsin Qureshi (Petitioner herein) vide CR No.74 of 2015 registered at Nirmal Nagar Police Station is quashed and set aside;

(b) All concerned to act on an ordinary copy of this order duly authenticated by registry of this Court.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)