

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.427 OF 2016**

Sajid Hanif Shaikh and anr. : Applicants.
Versus
Mrs. Noor Bano Sagri and ors. : Respondents.

Mr. Nazneen Khatri for the Applicants.
Mrs. M H Mhatre, APP for the Respondent/State.
Mr. Raeesuddin Khan for the Respondent Nos.1 and 2.

**CORAM : R. M. SAVANT &
SANDEEP K. SHINDE, JJ.**
DATE : 31st AUGUST 2017

P.C.

1 The above Criminal Application has been filed for quashing and setting aside the FIR registered with the Antop Hill Police Station vide C.R.No.155/15 under Sections 498-A, 307, 328, 323, 325, 504 and 506 of the Indian Penal Code. The Applicant No.1 and the Respondent No.2 are husband and wife. The FIR was on account of the matrimonial dispute which had arisen between the Applicant No.1 and the Respondent No.2 at the relevant time. It is an undisputed position that the Applicant No.1 and the Respondent No.2 are residing together even after the FIR was registered.

2 The Respondent No.2 and the Respondent No.1 who is her mother have filed a joint affidavit. In the context of the relief sought in the above Criminal Application, paragraphs 3 and 5 of the said affidavit dated 01/06/2017 sworn before this Court are material and are reproduced herein under :-

“3 We say that at the time of Bail Application of Applicant before the learned Counsel appearing for the Sessions Court, the victim Respondent No.2 was present along with her advocate and had herself prayed to release the applicant/accused on bail. She is having two daughters and one of her daughter is having some health problem and for that purpose, she is in need of company of applicant/accused and therefore she herself prayed for his release bail Order no.Exhibit-12 in Sessions case no.734 of 2015.

5 We say that since the matter has been settled we do not wish continue the proceeding the matter and therefore give my free consent to quash the FIR vide no.155/15. We therefore submit that the above application be allowed.”

3 The Respondent No.2 is personally present in Court. She is identified by her advocate Shri Raeesuddin Khan. She is also identified by the learned counsel for the Applicants Ms. Nazneen Khatri. When she put in the box and queried, she states that both she and her mother i.e. Respondent No.1 have signed the said affidavit of their own free will and volition and that the contents of the said affidavit are acceptable to both of them. The said fact is reiterated by the mother i.e. the Respondent No.1.

4 Hence the Applicant No.1 and the Respondent No.2 by their conduct as also on account of filing of the affidavit by the Respondent Nos.1 and 2 can be said to have amicably settled their dispute. Hence having regard to the aforesaid facts and having regard to the law laid down by the Apex Court in the matter of Narinder Singh and others vs State of Punjab and

another, reported in 2014 AIR SCW 2065 as also the judgment of the Apex Court in the matter of Gian Singh vs. State of Punjab and anr. reported in (2012) 10 SCC 303, no useful purpose would be served in keeping the proceedings pending. There is therefore now no impediment in quashing the subject FIR being C.R.No.155/15 registered with the Antop Hill Police Station, Mumbai in view of the amicable settlement arrived at between the parties. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]