

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3352 OF 2016

Ashfaqe Ismail Shaikh

....Petitioner

V/s.

The State of Maharashtra
and anr.

....Respondents

* * * * *

Mr. Sheikh Mohd. Imran, Advocate for the petitioner.

Ms. S.V. Sonawanae, APP for the respondent, State.

Respondent no.2, Ms. Afsana Fakir Mohd. Inamdar
present.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

29TH SEPTEMBER, 2017.

P.C. :-

1. The above writ petition has been filed for quashing of the FIR No. 89 of 2015 registered with the Bangur Nagar Police Station for the offences punishable under Sections 498(A), 406, 323, 504 read with Section

34 of the Indian Penal code and also C.C. No. 2725/PW/2016. The said FIR was lodged by the respondent no.2 herein and has arisen out of the matrimonial disputes between the parties. The respondent no.2 is personally present in Court. She has not engaged an Advocate on account of financial stringency. In the context of the relief sought in the above petition, except of the Affidavit which runs into one para is reproduced hereunder :-

“Today I along with my Family Members are having no Complaint and Grievance against the Petitioner no.1 and his Family Members, as I am having No Objection that FIR CR No.89/2015, U/S 498(a), 406, 323, 504, 34 of IPC Registered at Bangur Nagar Police Station be Quashed and Set-Aside against the Petitioner No.1 and his Family Members.”

2. The respondent no.2 is personally present in the Court. She is identified by the Learned Counsel appearing for the petitioner as being the respondent no.2. She is also identified by the petitioner no.1, who is

personally present in the Court. The respondent no.2 is also identified by her Aadhar Card No. 3457 5672 4834. When put in the box and queried, the respondent no.2 states that the contents of her Affidavit have been explained to her by the Learned Counsel for the petitioner, that the contents are acceptable to her and that she is not desirous of proceeding with the case arising out of the FIR which has been lodged. The petitioner no.1, Ashfaque Ismail Shaikh, is also personally present in the Court. He is identified by the Learned Counsel for the petitioner, Imran Shaikh. He is also identified by his Aadhar Card No. 6589 4244 2545. When put in the box and queried, he states that, the dispute between him and the respondent no.2 has been amicably resolved, that the Affidavit tendered by the Learned Counsel, Mr. Imran Shaikh bearing today's date is his and that the contents of the said Affidavit are acceptable to him. Hence, filing of the Affidavits by the petitioner no.1 and the respondent no.2, as also the statements made by

them when put in the box, unequivocally point out that the parties have settled the dispute and are not desirous of proceeding with the case in question.

3. Having regard to the judgments of the Apex Court in the case of **Gian Singh v/s. State of Punjab, reported in (2012) 10 SCC 303** and **Narinder Singh V/s. State of Punjab, reported in (2014) 6 SCC 466**, no useful purpose would be served by keeping the proceedings pending. Hence, there is now no impediment in quashing the proceedings, the above Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a). The Writ Petition stands disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)