

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1123 OF 2018

Adnan Imtiyaz Kadu and ors. : Petitioners.
Versus
The Senior Inspector of Police,
Murud Police Station, Raigad and ors. : Respondents.

Mr. Mahesh Ahire iby Rizwan Merchant & Associates for the Petitioners.
Mr. R M Pethe, APP, for the Respondent No.1.
Mr. S M Kazi for the Respondent No.2.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 16th MARCH 2018

P.C.

1 The present Writ Petition has been filed for quashing of the FIR No.36 of 2014 dated 09/08/2014 registered with Murud Police Station, Raigad and the charge sheet bearing No.RCC No.18 of 2015 for the offences punishable under Sections 498A, 354A(1)(iv), 354(3), 406, 323, 504, 506 r/w 34 of the Indian Penal Code. The investigation in the offence is complete and the charge sheet is already filed vide RCC No.18 of 2015 in the Court of Judicial Magistrate First Class, Murud.

2 Subsequent to the filing of the charge sheet the parties have settled the matter. The FIR in question has been lodged by the Respondent No.2 herein Lubna Adnan Kadu. Today the parties have filed the Consent Terms signed by the Respondent No.2 as well as all the Petitioners. By Clause

(6) of the said Consent Terms the Respondent No.2 has agreed to give her consent for quashing of the FIR which is the subject matter of the present Writ Petition. The said clause (6) is material and is re-produced herein under :-

“Lubna Adnan Kadu hereby agrees, confirms and declares that she is unconditionally consenting and agreeing for the quashing of the FIR No.36/14 registered at Murud Police Station & charge sheet bearing RCC No.18 of 2015 in the file of Ld. J.M.F.C. Murud Janjira, Raigad, filed under Section 498(A), 354A(1)(iv), 354A(3), 406, 323, 504, 506, r/w 34 of Indian Penal Code against the Petitioners herein. Lubna Adnan Kadu also agrees that she will extend her unconditional complete support and co-operation and consent in the quashing of the above-mentioned FIR, Charge sheet and/or any criminal proceedings.”

The said Consent Terms are taken on record and marked as “X” for identification.

3 The Respondent No.2 Lubna Adnan Kadu is personally present in Court. She is identified by the learned counsel Shri S M Kazi. She is also identified by the photocopy of her Aadhar Card bearing No.7265 6405 3434. When put in the box and queried, she has specifically submitted that she does not want to prosecute the FIR in question and is giving her consent for quashing of the same. She further states that she has gone through the Consent Terms and that she has signed the said Consent Terms of her own free will and volition.

4 The Petitioner No.1 Adnan Imtiyaz Kadu is also personally present in Court. He is identified by the learned counsel Shri Mahesh Ahire. He is also identified by his Aadhar Card bearing No.9231 3313 8156. When put in the box and queried, the Petitioner No.1 has submitted that he has gone through the Consent Terms and he has signed the said Consent Terms of his own free will and volition.

5 The Petitioner No.2 Imtiyaz Mohammad Kadu is also personally present in Court. He is identified by the learned counsel Shri Mahesh Ahire. He is also identified by his Aadhar Card bearing No.4626 8618 0723. When put in the box and queried, he has submitted that he is a party to the Consent Terms and he is willing to abide by it.

6 In view of the statements made by the Petitioner Nos.1 and 2 before us, we do not deem it necessary to record the statements of the Petitioner Nos.3 to 6 who are also personally present in Court.

7 In view of the statements made before us and having regard to the Consent Terms filed by the parties, and also having regard to the judgments of the Apex Court in the matter of Gian Singh V/s State of Punjab & Anr reported in (2012) 10 SCC 303 and Narinder Singh & ors v/s. State of

Punjab & Anr reported in **2014 AIR SCW 2065**, we deem it fit to allow the present Writ Petition in terms of prayer clause (a) and the FIR being No.36 of 2014 giving rise to the charge sheet bearing No.RCC No.18 of 2015 is accordingly quashed and set aside. The Writ Petition is accordingly disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]