

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.441 OF 2018

Mr. Nadeem Shaukat Husain Shaikh Applicants
& Another

Vs.

The State of Maharashtra & Anr. Respondents

Mr. S.A. Shaikh for the Applicants.
Mr. M.H. Mulla for Respondent no.2.
Mrs. M.M. Deshmukh, Additional PP for the State.
Ms. Harshada Namdeo Patil, Ladies PSI, Sir JJ Marg Police
Station, Mumbai present.

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ
Date : 3RD MAY, 2018

PC.

1 The above Criminal Application has been filed for
quashing of the F.I.R. being C.R. No. 39 of 2017, registered with
the Sir J.J. Marg Police Station, Mumbai, for the offences
punishable under Sections 498-A, 506 read with 34 of the
Indian Penal Code. The said F.I.R. has arisen out of the

matrimonial dispute between the Applicant no.1 and the Respondent no.2, who are husband and wife.

2 It is not necessary to dilate further on facts as the Respondent no.2 i.e. the first informant has filed an affidavit, which is sworn in this Court on 12th April, 2018. In the context of the relief sought in the above application, paragraphs 7 and 9 of the said affidavit are material and is reproduced hereinunder :

“7 I say that I am not having any complaint against the Applicants and I want to withdraw my allegation against the Applicants. Hence, I have no objection to quash the present F.I.R. bearing No.39/2017 dated 4th March, 2017 registered at the instance of J.J. Marg Police Station, Mumbai.

9 I say that I am executing this affidavit in support of Criminal Application to file it before Hon'ble High Court to quash and set aside F.I.R. bearing No.39/2017 dated 4th March, 2017 registered at the instance of J.J. Marg Police Station, Mumbai and I have not been pressurised or induced by anybody.”

3 The Respondent no.2,Asiya Nadeem Shaikh is personally present in Court. She is identified by the learned counsel, Mr. Mulla. She is also identified by her Adhar Card bearing No. 3758 9991 0903. When put in the box and queried, she states that she has been read over and explained the contents of the Affidavit. She further states that she had understood the contents of the Affidavit. She further states that she has signed the same of her own free will and volition. She lastly states that she does not desire to proceed with the F.I.R. in question, in view of the settlement arrived at between the parties.

4 The Applicant No.1,Nadeem Shaikh is also personally present in Court. He is identified by the learned counsel, Mr. S.A. Shaikh. He is also identified by his Adhar Card bearing No. 5329 6284 9957. When put in the box and queried, he accepts the factum of the settlement arrived at between the parties, as a consequence of which the Respondent no.2, does not desire to proceed with the F.I.R. in question. In view of the

statement recorded of the Applicant no.1, it is not necessary to record the statement of the Applicant no.2. The elder sister of the Respondent no.2, is also personally present in Court. She accepts the factum of the settlement which has been arrived at between the Applicant no.1 and the Respondent no.2. Hence, the affidavit filed by the Respondent no.2 dated 12th April, 2018 and affirmed in this Court, the statements made by the Applicant no.1 and the Respondent no.2 and her sister, when put in the box and queried indicate that the parties have settled their dispute, as a result of which the Respondent no.2 does not desire to proceed with the F.I.R. in question.

5 Having regard to the aforesaid facts as 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. Vs. State of Punjab & Anr., reported in (2014) AIR SCW, 2065 no useful purpose would be served in keeping the proceedings pending. The Application

would accordingly be required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a).

6 The Applicant no.1 to deposit costs of Rs.3,000/- (Rupees Three Thousand only) with the State Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J.)

(R.M. SAVANT, J.)