

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1576 of 2016

1. Wasim Khan
Aged : 27 years,

2. Hasan Khan
Aged : 45 years,

Both Indian inhabitants,
residing at Gulshan Nagar,
Jogeshwari (E), Mumbai.

...Petitioners

Vs.

1. State of Maharashtra
through Amboli Police Station,
Dist. Mumbai.

2. Arshinaz Khan
aged : 20 years,
at Mangeshwar Chawl,
Gulshan Nagar, Oshiwara,
Jogeshwari (E),
Mumbai – 400 103.

...Respondents

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Ms. Akshada Pasi, Advocate for the petitioners.

Mr. S.R. Shinde, A.P.P. - State.

Mr. Enamul Haq Khan, Advocate for respondent No.2.

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**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 5th FEBRUARY, 2018.

ORAL JUDGMENT (PER SMT. V.K. TAHILRAMANI, AC.J.) :-

Rule. Rule is made returnable forthwith and the matter is heard finally by consent of parties.

2. The petitioners are seeking quashing of FIR No. 259 of 2015 pertaining to Amboli Police Station, Mumbai and the proceedings relating thereto. The said case is under Sections 324 and 506 r/w. 34 of the Indian Penal Code.

3. Heard learned Counsel for petitioners/original accused Nos. 1 and 2, learned Counsel for respondent No.2 / original complainant and learned APP for the State.

4. The petitioners as well as the complainant are present before the Court. The complainant has stated that the matter is amicably settled between her and the petitioners and

she does not wish to pursue the case against the petitioners. She has also filed affidavit to the above effect which is annexed as Exh.F to the petition. She has also tendered photocopy of her Aadhar card and election Id. The affidavit along with photocopy of Aadhar card and election Id are taken on record and marked as 'X colly.' for identification.

5. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that the complainant does not want to pursue the case, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, FIR No. 259 of 2015 of Amboli Police Station, Mumbai and the proceedings relating thereto are quashed.

6. Rule is made absolute in above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)