

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

CRIMINAL APPLICATION NO.540 OF 2018

Dr.Hasan Raza Siddiqui and ors. : Applicants.
Versus
State of Maharashtra and anr. : Respondents.

Mr. Mohd. Irfan A R Momin for the Applicants.
Mrs. S D Shinde, APP for the Respondent/State.
Miss Yasmin A Shaikh for the Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 26th JULY 2018

P.C.

1 Leave to amend is granted so as to make a reference to the charge sheet in prayer clause (a). Amendment to be carried out forthwith.

2 The above Criminal Application has been filed for quashing of the charge-sheet being No.460/052/PW/17 arising out of the FIR being C.R. No.83 of 2016 registered with the Agripada Police Station on 21/03/2016 for the offences punishable under Sections 376, 498A, 406, 420, 417, 324, 109, 34 of the Indian Penal Code. The said FIR is a fall out of the matrimonial dispute between the Applicant No.1 and the Respondent No.2 who are husband and wife.

3 It is not necessary to dilate further on facts. The parties have entered into a Deed of Settlement dated 07/03/2018 which is registered. The

said Deed of Settlement was originally notarized before the notary R R Sharma, Advocate High Court and Notary, Govt. of India having his office at Flat No.2, C Wingh Building No.2, Shree Sai Complex CHS, Bandoowala Compound Opp. S T. Bus Depot, Mumbai 400 025 and bears notarial registration No.1135 of 2018 dated 07/03/2018. In the context of the present Criminal Application, clause II(d) of the said Deed of Settlement is material and is reproduced herein under:-

“II(d) Both the parties agree to withdraw cases filed against each other in all the courts and if the cases are not compounndable, the parties shall approach the Hon'ble High Court for quashing under Section 482 of Cr.P.c. or by filing a Petition in accordance with law by mutual consent and the Party of the Second Part, the Wife shall give consent in the court by filing an affidavit in accordance with law for quashing of CR No.83 of 2016 dated 21/3/2016 under Section 376, 498A, 406, 420, 417, 324, 109, 34 of Indian Penal Code registered at the Agripada Police Station within six months from date of signing of this Deed of Settlement.”

4 The Respondent No.2 herein i.e. the first informant has filed her affidavit dated 23/04/2018 and affirmed in this Court on 24/03/2018. In the context of the present Criminal Application paragraph 6 of the said affidavit is relevant and is reproduced herein under :-

“6 I therefore pray that the above Criminal Application be allowed in terms of prayer clause (a), this Hon'ble Court be pleased to quash the said FIR registered against the Applicants at Agripada Police Station being C.R. No.83/16 dated 21.03.2016”

5 The Respondent No.2 – Mrs.Parveen Hsan Raza Siddiqui is personally present in Court. She is identified by the learned counsel Miss Yasmin Shaikh. She is also identified by her Aadhar Card bearing No.237620282136. When put in the box and queried, she states that the affidavit dated 23/04/2018 filed in the above Criminal Application is hers. She further states that she has filed the said affidavit in view of the settlement between the parties which is evidenced by the registered Deed of Settlement dated 07/03/2018. She lastly states that she has filed the said affidavit of her own free will and volition.

6 The Applicant No.1 – Dr. Hasan Raza Siddiqui is also personally present in Court. He is identified by the learned counsel Shri Mohd. Irfan A K Momin. He is also identified by his Aadhar Card bearing No.618107658638. The name of the Applicant No.1 is appearing in the said Aadhar Card as “Shaikh Hasan Raza Izhar Alam”. When put in the box and queried, he accepts the factum of settlement having taken place between him and the Respondent No.2 as result of which the Respondent No.2 has filed her affidavit and has stated that she does not desirous of proceeding with the case in question.

7 Having regard to the Deed of Settlement dated 07/03/2018, the affidavit filed by the Respondent No.2, the Statements made by the Respondent No.2 and the Applicant No.1 when put in the box and queried, the

same indicate that the parties have settled the dispute as a result of which the Respondent No.2 is not desirous of proceeding with the case in question.

8 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, and having regard to the factual backdrop as above, no useful purpose would be served in keeping the proceedings pending.

9 The above Criminal Application is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of. The Applicant No.,1 to deposit costs of Rs.5000/- with the Kirtikar Law Library, High Court of Bombay within six weeks from date. Receipt to be obtained and filed in the Registry of this Court.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

Digitally signed by
Laxmikant Gopal
Chandan
Date: 2018.07.27
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