

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2697 OF 2017**

Fida Hussain & Ors

..Petitioners

Vs.

The State of Maharashtra & Anr

..Respondents

Mrs. Ruby T Shaikh for the Petitioners

Mrs. Anamika Malhotra APP for the Respondent State

Mr. Imran Shaikh for the Respondent No.2

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ**

DATE : 10th JANUARY, 2018

P.C.

1 The above Criminal Writ Petition has been filed for quashing of the FIR registered with the Vakola Police station for the offences punishable under Sections 498A, 406, 323, 504 read with 34 of the IPC. The said FIR has arisen out of the matrimonial disputes between the parties.

2 The Respondent No.2 i.e. the first informant is the wife of the Petitioner No.1. The Respondent No.2 has filed an affidavit dated 26-7-2017 sworn before the Notary Public Mr.Ansari Shakeel on the said day i.e. 26-7-2017 and bearing notarial registration No.072. In the said affidavit it has been stated by the Respondent No.2 that on account of the intervention of the members of the family that she and the Petitioner No.1 have mutually settled their matrimonial dispute. It is further stated by the Respondent No.2 that she is residing with the Petitioner No.1 at the address mentioned in the cause title.

It is further stated that she does not want to proceed with the said FIR in view of the settlement arrived at between the parties.

3 The Respondent No.2 is personally present in Court. She is identified by the Learned Counsel Mr. Imran Shaikh. She is also identified by her Pancard bearing No.BGZPS5191Q which is in her maiden name Shabina Iqbal Khatri. When put in the box and queried she states that what is stated in the affidavit has been explained to her by her Advocate Mr. Imran Shaikh. She states that she has understood the contents of the said affidavit and that she is not interested in proceeding and/or prosecuting the case that may arise pursuant to the FIR.

4 The Petitioner No.1 is personally present in Court. He is identified by the Learned Counsel Ms Ruby Shaikh. He is also identified by his Driving Licence bearing No.MH02-20979106511 dated 29-10-2017 valid till 26-10-2027. When put in the box and queried he states that what is stated by the Respondent No.2 as regards he and the Respondent No.2 residing together is correct and that what has been further stated by her is also acceptable to him. He states that on account of the settlement between parties, the Respondent No.2 is consenting to the quashing of the FIR.

4 In view of the said affidavit coupled with the statements made by

the Respondent No.2 and having regard to the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr**², there is no impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the proceedings pending, the above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

5 The Petitioner No.1 to deposit costs of Rs.10,000/- with the Maharashtra Legal Aid Fund within 4 weeks from date, receipt to be obtained and filed in the registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065