

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1192 OF 2015**

Mansha-Ur Rahman Esh Ahmed Khan & Ors ..Applicants
Vs.
Reshman Sayyed Ebrahim Mohhammed Ali & Anr ..Respondents

Mr. Mateen A. R. Shaikh a/w Mr. Sajid Qureshi for the Applicants
Ms Noorseema M. U. Baig for the Respondent No.1
Mrs. Anamika Malhotra APP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ
DATE : 10th JANUARY, 2018**

PC.

1 The above Criminal Application has been filed for quashing of the
FIR being C. R. No.I-445 of 2015, registered with the Mumbra Police station
for the offences punishable under Sections 498A, 420, 504, 323, 500 read with
34 of the IPC. The first informant is the mother in law of the Applicant No.1
and the gravamen of the allegations in the FIR are revolving around the
ingredients of the offence under Section 498A of the IPC. It seems that the
Applicants except the Applicant No.1 have filed a complaint invoking Section
500 of the IPC., on account of the news report which were appearing in respect
of the FIR that was registered by the Respondent No.1 which according to the
Respondent No.1 was defamatory of the Applicant No.1.

2 Be that as it may, the Respondent No.1 Reshma Bano Ibrahim
Sayed has filed an affidavit dated 15-11-2017 wherein she has stated to the
following effect in paragraph 5.

5 I say that however as per the Apex Court ruling there should be complete settlement and compromise of matrimonial disputes between both the parties. I say that if the Applicants are ready and willing to withdraw the private complaint bearing C. C. No.6101646/SS/2015 pending before the the learned Counsel appearing for the. Metropolitan Magistrate's, 61th Court, Kurla against me and my daughter Shabnam Sayed then I have no objection for quashing of C. R. No.I-445/2015 registered with Mumbra Police Station against the Applicants.

The Applicant No.1 Mansha-Ur- Rahman Esh Ahmed Khan and the other Applicants have filed an affidavit dated 24-11-2017 wherein they have stated to the following effect in paragraph 4.

4 We say that the matter / dispute between us is amicably settled on the condition that we shall withdraw the complaint filed by us at Metropolitan Magistrate Court Kurla Vide C. C. No.1646/SS/2015 and Complainant shall withdraw her FIR against us in the Mumbra Police Station i.e. FIR No.I-445/2015.

3 In view of what has been stated in paragraph 5 of the Affidavit of the Respondent No.1 and paragraph 4 of the affidavit filed by the Applicants, it discloses that the parties have amicably resolved their dispute resulting in them agreeing to withdraw all the cases filed by them against each other. The Respondent No.1 is personally present in Court. She is identified by the Learned Counsel Ms Baig. She is also identified by her Pan Card No.DHHPS3615C. She confirms that she has filed the said affidavit dated 15-11-2017 which is tendered by her Counsel Ms Baig. She reiterates that the

Applicant No.1 and her daughter are residing together at a different place. In so far as the Applicants are concerned none are present but the Learned Counsel Mr. Mateen Shaikh vouchsafes for whatever has been stated in the affidavit filed by the Applicants. In view of the said statements made by the parties in the said two affidavits, it is expected that the parties would abide by the statements made therein by withdrawing their respective cases as they have filed solemn affidavits before this Court.

4 Having regard to the aforesaid facts no useful purpose would be served by keeping the proceedings being C.R. No.I-445 of 2015 pending, 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 Application. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR scw 2065