

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1258 OF 2017**

Mr. Mohammed Imran Khan & Ors

..Applicants

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. Mateen A. R. Shaikh for the Applicants

Mr. V. B. KondeDeshmkh Addl PP for the Respondent State

Ms Poonam Tiwari for the Respondent No.3

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ
DATE : 16th JANUARY, 2018**

P.C.

1 The above Criminal Application has been filed seeking quashing of the FIR registered with the J. J. Marg Police Station on 12-5-2015 for offence punishable under Section 498A, 406 and 34 of the Indian Penal Code, 1860. The FIR was on account of the matrimonial disputes between the Applicant No.1 Mohammed Imran Abdul Wahid Khan and the Respondent No.3 Mrs. Kulsum Banu Mohammed Imran Khan who are husband and wife.

2 The Respondent No.3 has filed an affidavit dated 11-12-2017. In the context of the relief sought in the above Criminal Application, paragraphs 4, 5 and 6 of the said affidavit are material and are reproduced hereinunder:

4. I say that I am not intending to proceed with the matter, and I am not having any grievance / complaint against the present Applicants, accused in the said case, and I am agree to withdraw the

proceeding of FIR No.252/2015 registered with the J.J. Marg Police Station against Applicants and also complaint under Domestic Violence Act vide C. C. No.125/DV/2015 pending before the the learned Counsel appearing for the. 52nd Metropolitan Magistrate Court, Kurla Mumbai as full and final settlement and I am agreed to file consent terms in the proceeding under Domestic Violence Act vide proceeding under Domestic Violence Act vide C. C. No.125/DV/2015 stated as above and I am in receipt amount of Rs.5,00,000/- (Rupees Five Lakhs only) as full and final settlement vide Cheque No.170399 drawn to Union Bank of India Null Bazar Branch Mumbai.

5. I say that I have no objection for quashing my complaint /FIR vide C.R. No.252 of 2015 registered with J. J. Marg Police Station, against the above named Applicants.

6. I say that I am not intending to proceed the case registered upon my complaint / FIR registered with J. J. Marg Police Station, and at present I am not having any grievance against the above named Applicants.

A reading of the said paragraphs therefore disclose that the parties have amicably resolved their disputes and are therefore not desirous of proceeding with the pending proceedings including the complaint under the Domestic Violence Act.

3 The Respondent No.3 Mrs. Kulsum Banu Mohammed Imran Khan is personally present in Court. She is identified by the Learned Counsel Mr. Tiwari. She is also identified by her Adhar Card No. 554075189810. When put in the box and queried she states that she has understood the contents of

her affidavit dated 11-2-2017 and that on account of the settlement between the parties she does not desire to proceed with the FIR. She further states that she has filed the affidavit on her own free will and volition.

4 The Applicant No.2 Mr. Abdul Ahad Khan is personally present in Court. He is identified by the Learned Counsel Mr. Mateen Shaikh. He is also identified by his Pancard No.ABMPK8658D. When put in the box and queried he states that the settlement has taken place between the Applicant No.1 and the Respondent No.3 as a result of which the Respondent No.3 has filed an affidavit wherein she has stated that she is agreeable to the quashing of the FIR. The Applicant No.1 i.e. the husband of the Respondent No.3 is not present as he is admittedly working abroad.

5 In view of the affidavit filed by the Respondent No.3 as also in view of the statements made by the Respondent No.3 as well the Applicant No.2 who is the father of the Applicant No.1, it is clear that the parties have amicably resolved their disputes as a consequence of which the Respondent No.3 does not desire to proceed with the FIR. Having regard to the aforesaid facts as also 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 & Anr²**, there is no impediment in allowing the above Criminal

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065

Application. No useful purpose would be served in keeping the proceedings pending, the above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

6 In view of the fact that the machinery of this Court has been used to settle the dispute, it would be just and proper that the Applicant No.1 to deposit costs of Rs.10,000/- with the Maharashtra Legal Aid Fund within 6 weeks from date, receipt to be obtained and filed in the registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]