

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1299 OF 2017

Mr. Gufran Raees Shaikh alias Siddique & Ors.Applicants
V/s.

Mrs. Nagma Gufran Siddique alias Nagma
Salim Khan & Anr.Respondents

Ms. Manisha Gandhi, Advocate for Applicants.

Mr. A.R.Kapadnis, APP for the Respondent-State.

Ms. Anushka Shreshtha, Advocate for Respondent No.1.

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

DATE :- 9TH JANUARY, 2018.

PC. :-

The above Criminal Application has been filed seeking quashing of the FIR No.162/2017 registered with the Sakinaka Police Station for the offences punishable under Sections 498A, 406, 323, 504 and 506 read with Section 34 of the IPC. The said FIR has arisen out of the matrimonial disputes between the parties. The Applicant No.1 is the husband and the Respondent No.1 is the wife. Marriage between them took place on 20.4.2013 according to the Muslim religious rites. It seems that after the marriage disputes arose between them which has resulted in the registering of the FIR with the Sakinaka Police Station by the Respondent No.1.

2 Apprehending his arrest, the Applicant No.1, i.e., the husband has filed Anticipatory Bail Application No.618 of 2017 in this Court. The matter was referred to a Mediator. Pursuant to which Consent Terms were arrived at between the parties before the Mediator. The said Consent Terms are dated 27.7.2017. The said Consent Terms evidence the overall settlement arrived at between the parties and in the context of the present application, Clause 12 of the said Consent Terms is relevant and is reproduced hereunder:

“12 Both parties agreed that Mr. Gufran Siddique and others will move application for quashing of FIR162 of 2017 dated 17th March 2017 filed at Sakinaka Police Station in High Court and Mrs. Nagma Gufran Siddique will co-operate for quashing the same.”

Hence, the parties have arrived at a settlement that the FIR in question is to be quashed and set aside by consent. Respondent No.1, i.e., the wife Nagma is personally present in the Court. She is identified by her PAN Card bearing No.DRUPK8462E. The learned counsel appearing for the Respondent No.1 tenders an affidavit of the Respondent No.1 bearing today's date. In paragraph 7 of the said affidavit, the Respondent No.1 has stated that she does not want to proceed with the FIR registered with the Sakinaka Police Station. When put in the box and queried, she states that she has voluntarily

entered into Consent Terms and that the same are acceptable to her and that she has no objection to quash and set aside the FIR in view of the settlement arrived at between the parties.

3 The Applicant No.1, i.e., Gufran is also personally present in the Court. He is identified by the learned counsel Ms. Manisha Gandhi. He is also identified by his Adhar Card bearing No.5095 9740 4765. When put in the box and queried, he states that the Consent Terms are acceptable to him and it is pursuant to the said Consent Terms that the Respondent No.1 has agreed to quash and set aside the FIR.

4 In view of the affidavit filed by the Respondent No.1 bearing today's date and also in view of the statements made by the Respondent No.1 as well as by the Applicant No.1 in the box, same indicates that the parties have amicably resolved their disputes and the Respondent No.1 as a consequence of which she is not interested in pursuing the FIR registered with the Sakinaka Police Station. The Application is, therefore, required to be allowed and is, accordingly, allowed in terms of prayer clause (a).

5 The Criminal Application is disposed of.

(SANDEEP K. SHINDE, J.)

(R.M.SAVANT, J.)