

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2323 OF 2021

Moghisur Aziz Rehman

.... Petitioner

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Ms.Vanita Bhave, Advocate for Petitioner.
- Mr.Shailesh Rai, Advocate for Respondent No.2.
- Ms.S.D. Shinde, APP for State/Respondent.

CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.

DATE : 21 DECEMBER 2021

P.C. :

. Heard learned counsel for the parties. Taken up for disposal.

2. This Petition is filed for the following prayer ;

“(a) That this Hon’ble Court be pleased to quash and set aside the FIR No.113 of 2019 registered with Versova Police Station, Andheri, Mumbai.”

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3. The Petitioner is the husband of Respondent No.2. The Respondent No.2 has filed FIR alleging mental and physical cruelty by the Petitioner and that she was subject to demands of dowry.

4. The learned counsel for the parties has stated that the parties have entered into a 'Khulanama' of having amicably resolved the dispute, mutually agreed to dissolve their marriage. An affidavit is filed by the Respondent No.2. The compromise terms signed by both the parties are also part of the record. In the affidavit, the Respondent No.2 has reiterated the contention that in light of the settlement between the parties, she has given her consent for quashing of the FIR. This stand is reiterated in the Court by the Advocate for Respondent No.2.

5. Considering that the FIR was the result of a matrimonial dispute and now the same is resolved, no purpose will be served keeping the prosecution pending. The dispute does not have repercussion on society at large. Considering the stand of Respondent No.2 the same may not result in conviction. In these circumstances, case for exercise of extra-ordinary jurisdiction of this Court is made out.

6. The Writ Petition is allowed in terms of prayer clause (a).

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)