

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4961 OF 2021

Javed Farooque Dalkhania And Ors. .. Petitioners
v/s.
The State of Maharashtra & Ors. .. Respondents

....

Mr. Ahmed Shaikh, for the Petitioners.

Mr. K.V. Saste, APP, for Respondent State.

Ms. Ayesha A. Shaikh, for Respondent No.2.

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CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.

DATE : 14 DECEMBER 2021.

P.C:-

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

2. The Petitioners have filed this petition with the following prayer:

“(b) That this Hon’ble Court may be pleased to issue an appropriate writ, order and direction, thereby quashing the Charge sheet/F.I.R. No.04/2014 lodged

with Oshiwara Police Station, Mumbai, bearing C.C. No.2575/PW/2014, pending before the learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai against the Petitioners above named.”

3. Respondent No.3 had filed the FIR under Sections 498A, 406, 323, 504 and 507 of the Indian Penal Code alleging that the Petitioners subjected her to physical and mental cruelty and demands of dowry.

4. The learned Counsel for the Petitioners and learned Counsel for Respondent No.3 state that this domestic dispute is now resolved between the parties and consent terms have been arrived at before the Family Court. An affidavit is tendered by Respondent No.3, wherein the consent terms have been referred to and that first installment of the amount agreed between the parties has also been paid.

5. The learned Counsel for Respondent No.3 reiterates the contentions in the affidavit, on the instructions of Respondent No.3 present in the Court, as identified by the learned Counsel for Respondent No.3.

6. Having gone through the consent terms arrived at before

the Family Court Bandra, Mumbai, the affidavit filed by Respondent No.3 and the nature of the allegation in the FIR, it shows that the dispute that led to filing of the FIR was a matrimonial dispute and the parties have amicably decided to resolve the same.

7. In light thereof, it would be in the interest of justice to quash the FIR and not subject the parties to further investigation.

8. Accordingly, the petition is allowed in terms of prayer clause (b) as above.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)