

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3736 OF 2022

1. Sahara Ayub Shaikh
2. Amar Ayub Shaikh
3. Faijuddin Ayub Shaikh
4. Dilshad Tajuddin Shaikh
5. Asma Faijuddin Shaikh
6. Farzana Ayub Sayyed
7. Azhruddin Ayub Shaikh

...Petitioners

Versus

1. The State of Maharashtra
2. Anjum Ara Shaikh

...Respondents

Mr. Niranjan Mundargi a/w Ms. Keral Mehta i/b Mr. Devendra Kuber
for the Petitioners.

Mr. K.V.Saste, A.P.P for the Respondent-State.

Mr. Faisal Shaikh for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
DATE : 11th NOVEMBER, 2022

P.C. :

1. Heard learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Faisal Shaikh waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and Section 482 of the Criminal Procedure Code, the petitioners seek quashing of the FIR bearing C.R. No. 327 of 2022 registered with the Kurduwadi Police Station, Solapur (Rural), for the alleged offences punishable under Sections 327, 324, 354, 107, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code. Quashing is sought on the premise that the parties, who are inter-se related, have amicably settled their dispute.

4. Perused the papers. The petitioner No.7 is the husband of the respondent No.2; petitioner No.1 is the mother-in-law, petitioner Nos.2 and 3 are the brothers-in-law and petitioner Nos.4 to 6 are the

sisters-in-law of the respondent No.2 respectively. According to the respondent No.2, she got married with the petitioner No.7 on 15th July, 2020. The Respondent No.2 has alleged that for 15 days, the petitioners treated her well, however, thereafter, started harassing her for not bringing dowry. It is alleged by the respondent No.2 that the petitioner No.7 (her husband) would suspect her character and that on one occasion i.e. on 18th July, 2022, when she was with her mother and other relatives, having gone to attend a ceremony in a darga, the petitioner No.7 came and abused her and asked her to leave their house. It is also alleged that in the quarrel that ensued the petitioner No.1 assaulted the respondent No.2 and the petitioner No.2 tore her clothes and abused her. She has alleged that the petitioner No.3 assaulted her on her back and that the petitioner No.7 told her, that he would kill her. Pursuant to the said incident, the respondent No.2 filed the aforesaid complaint/FIR with the Kurduwadi Police Station, Solapur (Rural). Admittedly, chargesheet has not been filed in the said case, till date.

5. During the pendency of the aforesaid C.R., the parties amicably settled their dispute and entered into Consent Terms. The said Consent Terms dated 13th September, 2022, duly signed by the petitioner No.1 and the respondent No.2, are at page 27 of the petition. A perusal of the said Consent Terms shows that the parties have amicably settled their dispute. Accordingly, the petitioner No.7 has given *Khula* to the respondent No.2. It is agreed in the Consent Terms, that the respondent No.2 will give her no objection to quashing the FIR, registered at her behest i.e. the aforesaid C.R. as well as the other complaints filed by her as against the petitioners, including the D.V. complaint.

6. The respondent No.2 has also filed her affidavit. The same is at page 25 of the petition. In the said affidavit, the respondent No.2 has stated that with the intervention of mutual friends, senior members of the Gram Panchayat of Solapur, the parties have amicably settled their dispute. She has stated that she has no objection for quashing of the aforesaid complaint/FIR, registered vide C.R. No. 327 of 2022

with the Kurduwadi Police Station, Solapur (Rural).

7. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit. She states that she has received all her articles from the petitioners and that she no grievance as against the petitioners. The respondent No.2 has been identified by her Counsel. Learned Counsel for the respondent No. 2 has tendered a self attested xerox copy of the aadhar card of the respondent No. 2. The same is taken on record and the original is verified by the learned APP.

8. Considering the nature of dispute i.e. matrimonial dispute between the parties, the Consent Terms entered into between them, the affidavit of the respondent No.2 and the judicial pronouncements in this regard, there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 327 of 2022 registered with the Kurduwadi Police Station,

Solapur (Rural), and consequently, the proceeding arising therefrom i.e. PWDV Application No. 226 of 2022, are quashed and set-aside.

10. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

11. All concerned to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.