

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 284 OF 2022

1. Nafisulhaq Ikramul Qureshi
2. Musarrat Ikramul Haq Qureshi
3. Ikram Ul Haq Qureshi
4. Nasim Ul Haq Ikramul Haq Qureshi .. Petitioners

Vs.

1. The State of Maharashtra
2. Nazish Nafisulhaq Qureshi .. Respondents

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Mr. Sandeep Singh for the petitioners

Ms. M.H. Mhatre, APP for the respondent – State

Mr. Vivek Tawde i/b Mr. Ganesh Tiwari for the respondent no.2

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : 23rd SEPTEMBER, 2022.

P.C.

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal. Learned

APP waives notice on behalf of the respondent no.1 – State. Mr. Tiwari waives notice on behalf of the respondent no.2.

3. By this petition, the petitioners seek quashing of the FIR which was registered vide C.R. No. 385 of 2021 with the V.P. Road Police Station for the alleged offences punishable under Sections 498A, 354, 406, 504, 506 r/w Section 34 of the Indian Penal Code.

4. Quashing is sought on the premise that the parties have amicably settled their dispute and have filed consent terms.

5. Perused the papers. The petitioner no.1 is the husband of respondent no.2; applicant nos. 2 and 3 are the in-laws and petitioner no.4 is the brother-in-law of the respondent no.2. It appears that the marriage between the petitioner no.1 and respondent no.2 was solemnized on 10th November, 2018 as per Muslim rites and rituals. After investigation, charge-sheet was filed. The case is currently pending before the learned Metropolitan Magistrate Court, at Girgaon, being C.C. No. 154/PW/2022. It appears that in the interregnum, the petitioner no.1 and the

respondent no.2 decided to amicably settle their dispute and as such filed consent terms, dated 24th November, 2021 before the learned Additional Chief Metropolitan Magistrate, 4th Court at Girgaon in CC No. 14/DV/2021. The said consent terms are annexed at Exh.'B', page 18 of the petition. As per the consent terms, custody of the daughter is agreed to be given to the petitioner no.1. Both, the petitioner no.1 and the respondent no.2 have taken divorce as per the consent terms. As per the consent terms, both the parties have agreed to withdraw complaint / cases against each other and their family members. The details of the cases are separately set out in para 7 of the said consent terms. The present case is one such case, initiated at the behest of the respondent no.2. The respondent no.2 has received an amount of Rs.3,00,000/- (Rupees Three Lakhs only) towards permanent alimony.

6. The learned Counsel for the respondent no.2 has filed her affidavit dated 11th January, 2022 duly affirmed by the her, before this Court. In the said affidavit, the respondent no.2 has given her 'No Objection' to the quashing of the C.R. Respondent no.2 is present in person. The learned Counsel has tendered a self attested

xerox copy of the Aadhar card of the respondent no.2. The same is taken on record. Learned Counsel for the respondent no.2 has identified the respondent no.2 and the learned APP has verified the original Adhar card. On questioning, the respondent no.2 reiterates what is stated by her in her affidavit i.e. she has 'No Objection' for quashing of the FIR bearing C.R. No. 385 of 2021 registered with the V.P. Road Police Station.

7. Considering the nature of dispute, relations between the parties, the amicable settlement between the parties, the consent terms entered into between them, and, having regard to the judicial pronouncements of the Apex Court in *Gian Singh Vs. State of Punjab and Anr.*¹ and *Narinder Singh & Ors. Vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 385 of 2021 registered with the V.P. Road Police Station for the alleged offences punishable under Sections 498A, 354, 406, 504, 506 r/w Section 34 of the Indian Penal Code is quashed and set

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

aside and consequently the proceeding pending before the Chief Metropolitan Magistrate Court at Girgaon, being CC No. 154/PW/2022 is also quashed and set aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.