

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

WRIT PETITION NO.779 OF 2022

Mr. Ali Jafar Sayyed & Others .. Petitioners.
v/s.
State of Maharashtra .. Respondents.
& Another

Mr. Mukesh Kumar Mishra, for the Petitioners.
Mrs. S. D. Shinde, APP for Respondent No.1-State.
Mr. Vinay S. Balotiya, for Respondent No.2.

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**CORAM: NITIN JAMDAR &
ARUN R. PEDNEKER, JJ.**
DATE : 20th JULY, 2022.

P.C:-

By this Petition, the Petitioners are seeking the following prayer:-

“(a) that this Hon’ble Court may be pleased to quash the proceeding pending in the nature of C.C. No.50/PW/2019 in the file of 34th M.M. Court at Vikhroli, Mumbai arising out of F.I.R. No.215/2019 registered at the behest of Respondent No.2 with Nehrunagar Police Station.”

The reason for seeking this prayer is the consent given by Respondent No.2- Complainant.

2 Petitioner No.1 is the husband of Respondent No.2- Complainant; Petitioner No.2 is the father-in-law; Petitioner No.3 is mother-in-law; Petitioner Nos.4 & 6 are brother-in-law, and Petitioner No.5 is sister-in-law of Respondent No.2.

3 At the instance of Respondent No.2, the FIR was registered on 26 June 2019 under Section 498(a), 406, 323, 504, 506, 34 of I.P.C. Respondent No.2 alleged that she was subjected to mental and physical cruelty and demands of dowry.

4 The learned Counsel for the Petitioners and Respondent No.2 states that Respondent No.2 has given consent to the quashing of FIR, and parties have entered into consent terms lodged in the Metropolitan Magistrate Court at Vikhroli, Mumbai. Affidavit of consent is filed by Respondent No.2, stating that she is giving consent because all terms and conditions of consent have been fully satisfied. The learned Counsel for the Petitioners states that Petitioner No.1 will pay the amounts specified in the consent terms -Clause 2(a) of the premium of Life Insurance Policy in the name of the child – Aamana, till she becomes major. On instructions, the learned Counsel for the Petitioners and Respondent No.2 states that this clause of the consent terms is understood between the parties.

5 A case is made out for quashing of the FIR. Not quashing the FIR will defeat the settlement between the parties and may not result in a conviction.

6 Accordingly, Petition is allowed in terms of prayer clause (a).

(ARUN R. PEDNEKER,J.)

(NITIN JAMDAR,J.)