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

**CRIMINAL WRIT PETITION NO. 2736 OF 2021
WITH
INTERIM APPLICATION NO. 2728 OF 2021**

Maaz Aslam Quraishi ... Petitioner/Applicant
V/s.
The State of Maharashtra and anr. ... Respondents

**WITH
CRIMINAL WRIT PETITION NO. 2737 OF 2021**

Mrs. Anam Farhan Shaikh and anr ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

**WITH
CRIMINAL WRIT PETITION NO. 3054 OF 2021**

Azhar Aslam Quraishi and ors. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

Mr. Suhail Shariff a/w. Mrs. Manpreet Kaur i/b Falcon Legal for the
Petitioners in all Petitions.
Mr. Abhijeet A. Desai a/w. Mr. T. Chaudhary for the Respondent
No.2/Complainant.
Mr. K.V. Saste, APP for the Respondent/ State.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.

DATE : 27 JULY 2022.

P.C.

. All these petitions under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 are filed to quash one and the same First Information Report (hereinafter referred to as “FIR”, for short) dated 5 August 2020 registered at Sakinaka Police Station, Mumbai against the Petitioners for the offences punishable under Sections 498(A), 323, 504, 506 read with 34 of Indian Penal Code and criminal case No. 1980/PW/2020 pending on the file of Metropolitan Magistrate, 66th Court at Andheri, Mumbai arising out of the said FIR.

2. The aforesaid crime came to be registered at the instance of Ruksar Azhar Quraishi (hereinafter referred to as the Complainant), who has *inter alia* alleged that she was subjected to mental and physical cruelty at the hands of her husband and in-laws. The Petitioner No.1 in Writ Petition No. 3054 of 2021 is the husband of the Complainant and other Petitioners are her in-laws.

3. The learned Counsel for the Petitioners and the learned Counsel for the Complainant jointly submit that the parties have amicably settled the dispute. It is submitted that no purpose would

be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab*¹.

4. The Complainant has filed the consent affidavit dated 3 July 2022 in each petition. The Complainant has stated that they have decided to dissolve their marriage mutually through Talaq-E-Mubarak and as per consent terms, she has received the demand draft of Rs.1350000/- towards permanent alimony. Respondent No.2 has stated that she has no objection if the FIR and criminal case in question are quashed in view of the settlement arrived at between the parties.

5. The Hon'ble Supreme Court in the case of *Gian Singh (supra)* has held :

“But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the

1 (2012) 10 SCC 303

compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.”

6. We have examined the facts of the present case in the light of law laid down by the Hon'ble Supreme Court in *Gian Singh's* case. The main reason for filing of the FIR appears to be matrimonial dispute. The allegations are totally of personal nature. In view of the settlement between the parties, the Complainant is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Nothing fruitful will therefore come out of the prosecution in question. Apart from it, if the criminal case in question is not quashed, the settlement arrived at between the parties would be disrupted. Considering these facts and circumstances, the petitions deserves to be allowed. They are accordingly allowed and the FIR No. 940 of 2020 registered at Sakinaka Police Station, Mumbai against the Petitioners for the offences punishable under Sections 498(A), 323, 504, 506 read with 34 of the IPC and criminal case No. 1980/PW/2020 pending on the file of Metropolitan Magistrate, 66th Court at Andheri, Mumbai are quashed and aside.

7. All Writ Petitions are disposed of. In view of disposal of petitions, Interim Application No. 2728 of 2021 does not survive and the same is also disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)