

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

CRIMINAL WRIT PETITION NO.2814 OF 2022

- | | | |
|--------|----------------------|----------------|
| 1. | Abu Hossain Momin | |
| 2. | Sayeed Momin | |
| 3. | Parveen Momin | |
| 4. | Reshma Irshad Momin | ...Petitioners |
| Versus | | |
| 1. | State of Maharashtra | |
| 2. | Bushra Sameer Momin | ...Respondents |

Mr. V. O. Dubey, for the Petitioners.

Mr. K. V. Saste, A.P.P for the Respondent No.1– State.

Mr. Heet S. Patel, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

DATE : 9th 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. Patel, waives

notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 200 of 2022 registered with the Goregaon Police Station, Mumbai, at the behest of the respondent No.2, for the alleged offences punishable under Sections 354, 509, 323 and 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. The petitioner Nos.1 and 2 are the brothers-in-law of the respondent No.2 and the petitioner Nos.3 and 4 are the wives of the petitioner Nos.1 and 2 respectively.

4. Perused the papers. According to the respondent No.2, her husband's ancestral flat is at E-3, Balwa Nagar, Medina Manzil, A-K Tower, Near MTNL, Goregaon (West), Mumbai and that she and her family used to come occasionally to stay in the said flat. The respondent No.2, who is the sister-in-law of the petitioner Nos.1 and 2 has alleged that she, her husband and her two children had come to

stay in the said flat on 16th March 2022 at 4:00 p.m. She has alleged that on 17th March 2022 at around 8:00 a.m. when she was with her children at home, the petitioner No.1 (her elder brother-in-law) and the petitioner No.2 (younger brother-in-law) and their respective wives came to their house and started arguing and quarreling, with respect to the said property. She has alleged that in the said quarrel the petitioner No.1 pushed her and as such inappropriately touched and abused her, and that the petitioner No.2 grabbed her right hand and pulled her, thereby causing embarrassment to her. As far as petitioner Nos. 3 and 4 are concerned, they have alleged to have pushed the respondent No.2. Pursuant to the said incident, the aforesaid CR was lodged by the respondent No.2 alleging the aforesaid offences. We are informed that charge-sheet has not been filed in the said case, till date.

5. In the interregnum, during the pendency of the aforesaid CR, the parties who are *inter se* related, have settled their dispute amicably. Learned counsel for the respondent No. 2 has filed an affidavit dated 28th July 2022, duly notarized before the notary. To

the said affidavit is annexed a self attested xerox copy of the aadhar card of the respondent No. 2. In the said affidavit, the respondent No.2 has stated that the petitioners are her relatives and that the present FIR has been lodged out of misunderstanding, which is amicably resolved. She has further stated that she does not want to proceed against the petitioners and as such seeks quashing of the same. Respondent No. 2 is present in Court. On questioning, she reiterates what is stated by her in her affidavit. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has verified the aadhar card of the respondent No.2.

6. Considering the nature of dispute between the parties, the relations between them, the amicable settlement between the parties, the affidavit filed by the respondent No.2 and the judicial pronouncements in this regard, there is no impediment in allowing the petition.

7. The petition is accordingly allowed and the FIR bearing C.R. No. 200 of 2022 registered with the Goregaon Police Station, Mumbai, is quashed and set-aside.

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

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.