

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

CRIMINAL WRIT PETITION NO. 3383 OF 2022

1. Nadeem Mohammed Salim Shaikh
2. Mumtazbi Mohammed Salim Shaikh
3. Naeem Mohammed Salim Shaikh
4. Farzeen Mohammed Salim Shaikh
5. Parveen Shaikh

...Petitioners

Versus

1. The State of Maharashtra
2. Heena Nadeem Shaikh

...Respondents

Mr. Sandeep Kocharekar for the Petitioners

Mrs. A. S. Pai, P.P. a/w Ms. S. D. Shinde, A.P.P for the Respondent
No.1-State

Mr. Rushikesh G. Patil for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
TUESDAY, 20th 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 is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent No.1–State. Mr. Patil waives service on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 63/2022 registered with the Kurla Police Station, for the alleged offence punishable under Sections 498-A, 354, 406 r/w 34 of the Indian Penal Code.

4 Perused the papers. The petitioner No. 1 is the husband of respondent No. 2; petitioner No. 2 is the mother and petitioner Nos. 3 and 4 are the brother and sister of the petitioner No.1 and petitioner No. 5 is the maternal aunt of the petitioner No.1. It appears that the marriage between the petitioner No. 1 and the respondent No. 2 was solemnized on 11th June 2020 at Kurla (West) at the residential house of the respondent No.2. It appears that post the

marriage, certain matrimonial issues/disputes started between the parties, resulting in the filing of the aforesaid complaint/FIR which was registered vide C.R. No. 63/2022. It is not in dispute that till date, charge-sheet has not been filed. In the interregnum, post the lodging of the FIR, the parties amicably settled their dispute. The Memorandum of Settlement is at Exhibit `D` at page 42 of the petition and the Deed of Divorce i.e. Khula Naama is at Exhibit `E` at page 50 of the petition.

5 The respondent No. 2 has filed consent affidavit which is at page 60 of the petition. In the said affidavit, she has stated that she has amicably settled the dispute between her and the petitioners and that she has received monies in cash from the petitioners by way of full and final settlement. She has further stated that vide the Deed of Divorce i.e. Khula Naama, she and the petitioner No. 1 have decided mutually not to stay with each other and that they would be free to live their lives according to their will and wishes. In paragraph 6 of the said consent affidavit dated 27th July 2022 duly affirmed before

the Assistant Registrar, High Court, Appellate Side, she has also given her no objection for quashing of the proceedings i.e. C.R. No.63/2022 registered with the Kurla Police Station for the aforesaid offences. The respondent No. 2 is present in Court. She reiterates what is stated by her in the consent affidavit. The xerox copy of the Aadhar card is annexed to the consent affidavit at page 84. Learned counsel for the respondent No. 2 identified her and the learned A.P.P has verified the original Aadhar Card of the respondent No. 2.

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

7 The petition is accordingly allowed and the FIR bearing C.R. No. 63/2022 registered with the Kurla Police Station and all

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

consequential proceedings arising therefrom, are 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.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.