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

CRIMINAL APPLICATION NO.909 OF 2022

1. Mohd. Hanif Usman Shaikh ...
2. Smt. Jubeda Usman Shaikh ...Applicants

Versus

1. The State of Maharashtra ...
2. Smt. Rubina Hanif Shaikh ...Respondents

Mr. Prakash Vare for the Applicants.

Mr. Y. M. Nakhwa A.P.P. for the Respondent No.1.

Ms. Nandini Vasaikar i/b Ms. Rubina Hanif Shaikh for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
S.M. MODAK, JJ.**

DATE : 6TH OCTOBER 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. Ms. Nandini Vasaikar, learned counsel waives notice on behalf of the respondent No.2.

3 By this application, the applicants seeks quashing of the FIR, bearing C.R. No. 24 of 2017 registered with the Vakola Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 377, 406, 323, 504, 506, 313 r/w 34 of the Indian Penal Code.

4 Quashing is sought on the premise, that the parties have amicably settled their dispute.

5. Perused the papers. The petitioner no.1 is the husband of the respondent no.2, and the petitioner no.2 is the mother-in-law of the respondent no.2. It appears that the petitioner no.1 and the respondent no.2, got married on 9th September 2015, as per muslim rites and rituals. After marriage, the respondent no.2 started residing at her matrimonial home. As there was marital discord/differences

between the parties, the respondent no.2 lodged the aforesaid C.R., with the Vakola Police Station, Mumbai, alleging the aforesaid offences.

6. After investigation, charge-sheet was filed and the case is presently pending, before the learned Sessions Judge, Mumbai, being Sessions Case No.517 of 2018.

7. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute and entered into consent terms. The said consent terms are at 'Exhibit-C' at page 122 of the application. In the said consent terms, the respondent no.2 has accepted the settlement and has given her no objection, to quashing of the aforesaid C.R./proceedings. It appears that the respondent no.2, has received a sum of Rs.3,50,000/- from the applicant no.1, as full and final settlement. She has also received her articles.

8. The respondent no.2 has filed her affidavit, dated

18th July 2022, duly affirmed before the Assistant Registrar, High Court, Mumbai. In the said affidavit, she has stated that she is ready and willing to give her consent, for divorce and will file a petition seeking divorce, by mutual consent before the Family Court at Bandra, Mumbai. The respondent no.2 is present in person, and when questioned, she re-iterates what is stated by her in her affidavit. Learned counsel for the respondent no.2 has identified the respondent no.2. Learned counsel for the respondent no.2 has also tendered a xerox copy of the Adhar card, duly signed by her. The same is taken on record. The learned APP has verified the original Adhar Card.

9 Considering the nature of dispute, the relations between the parties, the consent terms entered into between them, the affidavit of the respondent no.2 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.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

10 The petition is accordingly allowed and the FIR, bearing C.R. No. 24 of 2017 registered with the Vakola Police Station, Mumbai, and consequently the proceeding arising therefrom, being Sessions Case No.517 of 2018 pending before the Sessions Court, Mumbai, are quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.