

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

CRIMINAL APPLICATION NO. 1201 OF 2021

1. Mr. Rauf Pasha Abdul Aziz Shaikh)
Age:33 years, Occ: Service,)
2. Mrs. Gausia Abdul Aziz Shaikh)
Age : 50 years, Occ. Housewife.)
3. Mr. Abdul Razzak Abdul Aziz Shaikh)
Age: 29 years, Occ: Service,)
All Permanently R/a, 18-19/12,)
Chakki Pahad, Salala Barkas,)
Chandrayagutta Bandiguda,)
Hyderabad Telangana-05)
All above residing at Plot No. 1-B-2,)
Shivaji Nagar, Govandi, Mumbai 400043.)
4. Mrs. Kanij Fatima Kasim Shaikh)
Age : 43 yrs. Occ: Housewife.)
Residing at Plot No.1, Line No. B,)
Shivaji Nagar, Govandi Mumbai 400043.)...Applicants.

Versus

1. The Sr. Police Inspector)
Dharavi Police Station,Mumbai.)
2. The State of Maharashtra)
(Through Public Prosecutor,)
High Court A.S. Bombay.)
3. Mrs. Gulsanobar Rauf Pasha Shaikh)
Age 23 years, Occ: Housewife,)
Room No. 7, Block No. 6,)
Transit Camp, Dharavi)
Mumbai 400 017.)..Respondents

Mr. Mateen Shaikh a/w. Mr. Obaidullah S. Azmi, advocate for

applicants.

Ms. S.D. Shinde, A.P.P for the Respondent – State.

Ms. Afrin Khan, advocate for respondent No. 3.

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

DATE : 15TH NOVEMBER, 2022.

P.C. :

1. Heard the 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 Nos.1 and 2-State. Learned Counsel Ms. Afrin Khan waives service on behalf of the respondent No.3.
3. By this application, preferred under section 482 of the Code of Criminal Procedure, 1973, the applicants seek quashing and setting aside of the FIR registered vide C.R. No. 615 of 2021 with the Dharavi Police Station, Mumbai for

the alleged offences punishable under section 498A, 323, 504, 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 applicant No. 1 is the husband of the Respondent No.3, applicant No. 2, the mother-in-law, and the applicant No. 3, the brother-in-law, respectively of the Respondent No. 2. The applicant No. 4 is stated to be an aunt of the applicant No. 1. According to the respondent No. 3, she got married to the applicant No. 1 on 5/5/2017, as per Muslim rites and rituals at Mumbai. She has stated that after marriage, she started residing at her matrimonial house, with the applicants. She has stated that from the said wedlock, they have a child. According to the respondent No. 3, as there was ill-treatment and harassment meted out to her, by the applicants, she lodged the aforesaid C.R.. Admittedly, charge-sheet has not been

filed in the said case till date.

6. During the pendency of the aforesaid C.R, the parties have amicably settled their dispute. We are informed that the respondent No. 3 has started residing with the applicant No. 1, for the last one year.

7. The respondent No. 3 has filed her affidavit dated 24th November, 2021 duly notarised before the Notary. The said affidavit is at page 20 of the application. In the said affidavit, the respondent No. 3 has stated that with the interference of the family members of both the sides, the matter was amicably settled and that she is staying with the applicant No. 1 and their daughter. She has further stated that she has no grievance against any of the applicants, and as such, has no objection to the quashing of the said C.R.

8. The respondent No. 3 is present in person. On being questioned, she has reiterated, what is stated by her

in her affidavit. The Respondent No. 3 has been identified by her Counsel.

9. Learned Counsel for the respondent No. 3 has also annexed a photocopy of the aadhar card of the respondent No. 3, which is at page 24. The original aadhar card has been verified by the learned APP.

10. Considering the aforesaid nature of dispute, the amicable settlement between the parties, the affidavit of respondent No. 3, the fact that the Respondent No. 2 and the Applicant No. 1 are residing together 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 application.

11. The Application is accordingly allowed and the FIR

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

bearing C.R. No. 615 of 2021 registered with the Dharavi Police Station, Mumbai, is quashed and set-aside.

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

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

R.N. LADDHA, J.

REVATI MOHITE DERE, J.