

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.6671 OF 2021***

1. Abdul Rehman Ibrahim Memon
 2. Hamida Ibrahim Memon
 3. Sameera Nadeem Musani
 4. Fatima Sharif Dhorajiwala
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Amreen Abdul Rehman Memon
- ...Respondents

Mr. Kunal D. Ambulkar, for the Petitioners.

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

Mr. Adil Khatri i/b Ms. Nazneen Adil, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 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. Khatri waives service on behalf of the respondent No.2.

3. By this petition, the petitioners seeks quashing of the FIR bearing C.R. No. 67 of 2019, registered with the Dongri Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406 r/w 34 of the Indian Penal Code and further proceeding i.e. C.C. No.98/PW/2020, pending on the file of the learned Additional Chief Metropolitan Magistrate, 70th Court, Sewree, Mumbai, on the ground of amicable settlement between the parties.

4. Perused the papers. The petitioner No.1 is the husband of the respondent No.2, the petitioner No.2 is the mother of the petitioner No.1 and the petitioner Nos.3 and 4 are the sisters of the petitioner No.1. It appears that the petitioner No.1 and the respondent No.2 (original complainant) got married on 20th February 2015, according to the Muslim rituals and customs. After marriage, the respondent No.2 started staying with the petitioner No.1 and his parents. It appears that after marriage, some matrimonial disputes arose between the parties, pursuant to which, the respondent No.2 lodged the aforesaid complaint/C.R. After investigation, charge-sheet

was filed in the said case and presently the case is pending before the learned Additional Chief Metropolitan Magistrate, 70th Court, Sewree, Mumbai. It appears that during the pendency of the proceeding, the parties amicably settled their dispute, pursuant to which, the aforesaid petition has been filed. The petitioners have filed consent terms dated 22nd March 2022 entered between the petitioner No.1 and the respondent No.2. The said consent terms are at page 44 of the petition. It appears from the consent terms that the parties have resolved their differences and are residing together for more than a year.

5. Learned Counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 25th March 2022. In the said affidavit, the respondent No.2 has given her no objection for quashing of proceeding, in view of the amicable settlement between the parties and the consent terms executed between them. Respondent No. 2 is present in Court. On being questioned, she re-

iterates what is stated by her in her affidavit. She has further stated that she is living happily with the petitioner No.1 and that she has no grievance/objection to the quashing of the proceeding initiated by her as against the petitioners. Learned Counsel for the respondent No. 2 has tendered a self attested xerox copy of the aadhar card of the respondent No. 2. Learned Counsel for the respondent No.2 has identified the respondent No.2.

6. Learned APP has also verified the original aadhar card of the respondent No.2.

7. Considering the relations between the parties, the amicable settlement between them and since the petitioner No.1 and the respondent No.2 are living together for more than one year and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab and Another*¹ and *Narinder Singh and Others vs. State of Punjab and Another*², there is no impediment in

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 67 of 2019, registered with the Dongri Police Station, Mumbai and all consequential proceedings arising therefrom, are quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.