

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.952 OF 2023**

Shoheb Sabir Shaikh and Ors.

...Petitioners

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Rahul S. Yadav i/by Mr. Rajesh Khobragade Advocate for
Petitioners.

Ms. Gayatri H. Nayak a/w Mr. Akash Tayade for Respondent No.2.

Mr. S. S. Hulke, APP for Respondent-State.

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**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 29th MARCH, 2023.

P.C.:-

1. The Petitioners have approached this Court by preferring this Petition for quashing the First Information Report registered with Nirmal Nagar Police Station, Mumbai vide C.R. No. 635 of 2021, dated 7th December 2021 at the instance of Respondent No.2 for offences under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.
2. The Applicant No.1 is the husband of Respondent No.2 and the Applicant Nos. 2 to 7 are the relatives of Applicant No.1. The marriage between Applicant No.1 and Respondent No.2 was solemnized on 26th February 2021. The first informant has alleged that, the accused had ill-

treated her. She was assaulted and abused. The harassment was in the nature of physical and mental cruelty.

3. Both the parties have represented that, they have resolved the differences and arrived at amicable settlement. The first informant/Respondent No.2 has agreed to give her consent for quashing the impugned F.I.R. Petitioner No.3 has filed counter F.I.R. No.594 of 2021 dated 14th November 2021 with Nirmal Nagar Police Station, Mumbai for offences under Sections 509, 323, 504 and 506 read with 34 of the Indian Penal Code against relatives of Respondent No.2 and in view of settlement she has agreed to consent for quashing the said FIR which is under challenge in Criminal Writ Petition No.953 of 2023.

4. It is submitted that, *Khulanama* has been executed between Petitioner No.1 and Respondent No.2, the copy of which has been annexed to this Petition.

5. The Respondent No.2/complainant is present in the Court. Affidavit dated 29th March 2023 has been filed by Respondent No.2 stating that, C.R. No. 635 of 2021, dated 7th December 2021 registered with Nirmal Nagar Police Station, Mumbai be quashed with her consent. The Respondent No.2 has confirmed the contents of her Affidavit.

6. Considering the aforesaid circumstances, the impugned First Information Report can be quashed with the consent of Respondent No.2.

ORDER

- (i) Criminal Writ Petition No. 952 of 2023 is allowed;
- (ii) The FIR dated 7th December 2021 registered with Nirmal Nagar Police Station, Mumbai vide C.R. No. 635 of 2021 for offences under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code is quashed and set aside.

(PRAKASH D. NAIK, J.)**(A. S. GADKARI, J.)**