

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

CRIMINAL APPLICATION NO. 134 OF 2023

Jameela Shahnawas Shaikh	...	Applicant
Versus		
State of Maharashtra & Anr.	...	Respondents

Ms. Sana Khan a/w Aditya Parmar for the Applicant.
Mr. J. P. Yagnik, APP for the Respondent No.1-State.
Ms. Muazma Ansari i/by Nilesh Das for the Respondent No.2.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 22nd JUNE, 2023

P.C. :-

. The respondent no.2 is informed to have expired on 15th December, 2022.

2. In view thereof, prayer for amendment is made for bringing the son of respondent no.2 namely Shahnawaz Shaikh as one of the L.R. of said respondent. In view of above, leave to amend. Amendment to be carried out forthwith. Mr. Muazma Ansari, learned counsel waives for said L.R. and undertakes to file *vakalatnama* within period of three days.

3. The petitioner party-in-person submits that she be granted liberty to engage an Advocate Ms. Sana Khan to represent her interest as the earlier Advocate has refused to extend cooperation. In view of the

aforesaid request made by the petitioner-in-person before this Court, we permit the Advocate Ms. Sana Khan to represent the interest of the petitioner, who assures that the *vakalatnama* shall be placed on record within period of three days.

4. The L.R. of respondent no.2 and the petitioner were married and it appears that out of that matrimonial discord, matrimonial proceedings were pending before the competent Court.

5. The petitioner appears to be occupying the suit property which is subject matter of the offence in question. The allegation against the petitioner is that of unauthorized dispossession of deceased and her son.

6. The death certificate of the complainant i.e. respondent no.2 namely Sajida Begum Taufiq Shaikh who has expired on 15th December, 2022 is taken on record and marked 'X' for identification.

7. It appears that the aforesaid matrimonial discord has been settled *inter se* between the petitioner, the deceased complainant so also we substitute the L.R. referred above as could be inferred from the settlement arrived at vide consent terms executed on 11th December, 2022. We are informed by the L.R. of respondent no.2 that the said consent terms which are notified are to be acted upon and in view thereof, the L.R. of respondent no.2 has filed a consent affidavit thereby extending consent for quashing of the offence.

8. It appears that vide aforesaid consent deed executed in between the petitioner and the L.R. of the respondent no.2, the custody of the child so also the possession of the property in question is to be vested with the L.R. of the respondent no.2. In view of aforesaid, so as to have cordial and peaceful relation with each other, it is claimed that the consent is extended for quashing.

9. The consent terms are accepted by the L.R. of respondent no.2 who is physically present in the Court and is identified by the counsel appearing for him.

10. In that view of the matter, the offence being Crime No. 875 of 2022 registered on 26th July, 2022, punishable under Sections 406, 420, 447, 465, 467, 468, 471, 341, 379, 380, 504, 506 of the Indian Penal Code is hereby quashed.

11. The petition stands allowed in above terms.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]