



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.564 OF 2016

1. Suhel Ahmed Gazeekhan
2. Abdul Sattar Mohmed Gazeekhan
3. Yasmeen Gazeekhan
4. Tasneem Zaki Khan

...Petitioners

Versus

1. The State of Maharashtra
2. Parveen D/o. Dr. Farzana Absar
alias Manahil

...Respondents

....

Mr. Anilkumar K. Patil for the Petitioners.
Respondent No.2 present on VC.
Mr. S.V. Gavand, APP for Respondent No.1-State.

**CORAM: SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED: 27th SEPTEMBER, 2023.

P.C.:-

1. This is a petition under Article 226 of the Constitution of India to quash the FIR No.105 of 2015 registered with Khadak Police Station, District -Pune for the offences punishable under Sections 498-A and 509 r/w 34 of the IPC and the consequent charge-sheet dated 14/12/2015 filed before the learned Judicial Magistrate, First Class, Court No.6-Pune.

2. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2 against her husband and his family members. The marriage of Respondent No.2 and Petitioner No. 1 was solemnised on 29/01/2013. Respondent No.2 lodged the FIR on 06/04/2015 alleging that Petitioner No.1 and his family members had demanded dowry and subjected her to cruelty.

3. Learned counsel for the Petitioners states that the parties are now divorced. He has placed on record copy of order dated 22/04/2018, which indicates that maintenance proceedings filed by Respondent No.2 is settled before Lokadalat. Respondent No.2 made a statement that she does not want to prosecute her husband and his family members in the other criminal proceedings initiated at her instance.

4. Respondent No.2 has joined by virtual mode. She states that the marriage has been dissolved and that she does not wish to proceed against the Petitioners. She has given her no objection to quash the FIR and all the consequential proceedings arising therefrom.

5. The parties have resolved the matrimonial dispute amicably. The settlement is genuine. Considering the said fact and in view of the dictum of the Apex Court in *Jitendra Raghuvanshi and Ors. vs. Babita Raghuvanshi and Anr. (2013) 4 SCC 58* and *Rangappa Javoor vs. State of Karnataka, AIR ONLINE 2023 SC*, this is a fit case to exercise power under Article 226 of the Constitution of India to quash the FIR and the charge-sheet.

6. Hence, the petition is allowed in terms of prayer clause (c). Consequently, FIR No.105 of 2015 registered with Khadak Police Station, District -Pune for the offences punishable under Sections 498-A and 509 r/w 34 of the IPC and the charge-sheet dated 14/12/2015 filed before the learned Judicial Magistrate, First Class, Court No.6-Pune are hereby quashed.

7. The petition stands disposed of.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)