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Uday S. Jagtap

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

CRIMINAL WRIT PETITION NO. 3889 OF 2021

1. Mr. Riyaz Inus Vora
2. Mrs. Abida Inus Vora
3. Inus Abdul Vora
4. Nasreen Munshi W/o. Mohmad Munshi .. Petitioners

Vs.

1. The State of Maharashtra
2. Mrs. Shazia Riyaz Vora .. Respondents

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Mr. Vishnu Bhatt i/b Mr. Navin D. Shrivastava for the petitioners
Mrs. P.P. Shinde, APP for the respondent – State
Ms. Shweta Agrawal for the respondent no.2

.....

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

DATED : 31st JANUARY, 2023.

P.C.

1. Heard learned Counsel for the parties.
2. Rule. Rule is made returnable forthwith with the consent of the parties and the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent no.1 – State and learned Counsel Ms. Agrawal waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and Section 482 of the Cr.P.C., the petitioners seek quashing of the FIR registered vide CR No.400 of 2017 with the Naya Nagar Police Station, Thane for the alleged offences punishable under Sections 498A, 504, 506 r/w 34 of the Indian Penal Code and consequently the proceeding, if any, pending before the trial Court. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner no.1 is the husband of the respondent no.2 and the petitioner nos. 2 and 3 are the mother-in-law and father-in-law respectively of the respondent no.2 and respondent no.4 is the sister-in-law of the respondent no.2.

5. It appears that the petitioner no.1 and the respondent no.2 got married on 16.05.2014. It further appears that some time in December 2017, the respondent no.2 left her matrimonial home. The couple has a child, aged 8 years. As according to the respondent no.2, she was allegedly ill-treated and harassed by the petitioners, she lodged the aforesaid FIR as against them alleging the aforesaid offences.

6. After registration of the said C.R., the parties settled their dispute and the respondent no.2 started living with the petitioner no.1. We are informed that the respondent no.2 is living with the petitioner no.1 – husband for the last 3 years.

7. Learned Counsel for the respondent no.2 has tendered an affidavit of the respondent no.2 dated 30th January, 2023, duly affirmed before the Assistant Registrar, High Court. To the said affidavit is annexed a photocopy of the Aadhar Card of the respondent no.2, duly attested by her. In the said affidavit, the respondent no.2 has stated that she has amicably settled the dispute and is happily cohabiting with the petitioner no.1 since 2021. She has stated that she no objection to the quashing of the FIR, which was lodged by her on account of some misunderstanding. She has also stated that the petitioner no.1's passport, which was seized by the Police, be returned to the petitioner no.1. The said affidavit is taken on record. Respondent no.2 is present in person. On being questioned, she reiterates the contents of her affidavit. Learned Counsel appearing for the respondent No.2 has identified the respondent no.2 and the learned A.P.P has verified the original Aadhar Card of the respondent no.2.

8. Considering the nature of dispute, relations between the parties, affidavit of respondent no.2 and the judgments of the Apex Court in the matter of **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 petition.

9. Accordingly, the petition is allowed and C.R. No.400 of 2017 registered with the Naya Nagar Police Station and consequently the proceeding, if any, pending before the trial Court are quashed and set aside.

10. Rule is made absolute in the aforesaid terms.

11. Needless to state that since we have quashed the FIR, the Police to forthwith handover the passport of the petitioner no.1 to him.

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466