

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2101 OF 2022**

1. Sana Salman Hingora	]	
2. Aamna Rafique Hingora	]	
3. Rafique Jamal Umar Hingora	]	Petitioners
Vs.		
1. The State of Maharashtra	]	
2. Fariha Salman Hingora	]	Respondents

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Mr. Husen A.R. Shaikh a/w Mr. Tanmay Mhatre, for Petitioners.

Mr. J.P. Yagnik, for Respondent No.1-State.

Mr. Umar Dalvi a/w Zeeshan Sundar i/b Rajendra Rathod, for Respondent No.2.

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

DATE : 3rd FEBRUARY, 2023.

ORDER: [Per Prithviraj K. Chavan, J.]

1. Heard.

2. Rule.

3. Rule is made returnable forthwith. With the consent of the learned Counsel for the parties, petition is taken up for final disposal.

4. Learned A.P.P waives notice on behalf of respondent No.1-State and Mr. Dalvi, learned Counsel waives notice on behalf of respondent No.2.

5. By this petition under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr. P.C"), the petitioners seek quashing of the First Information Report (for short "F.I.R") registered vide C.R. No.552 of 2021 with Dongri Police Station, Mumbai, for the alleged offences punishable under Sections 354, 323, 504, 506 r/w 34 of the Indian Penal Code (for short "I.P.C") and consequently the proceeding pending before the learned Metropolitan Magistrate 70th Court, Sewree, Mumbai being Case No.2636/PS/2022. Quashing is sought on the premise that the parties have amicably settled their dispute.

6. Briefly stated, facts are as under.

7. Petitioner No.1 is the first wife of accused Salman Hingora who had performed second marriage with the respondent No.2. Petitioners No.2 and 3 are parents of the accused Salman Hingora.

Respondent No.2 had already lodged an F.I.R against her husband viz. Salman Hingora bearing C.R. No.283 of 2021. Respondent No.2 is an Air Hostess working with Saudi Airlines since March, 2015. In the year 2016, she was introduced with accused - Salman Hingora by a common friend. She was conversing with the said Salman on telephone. After some time, they became friends and ultimately, Salman Hingora put forth a proposal of marriage before respondent No.2. Despite knowing the fact that Salman Hingora was already married, respondent No.2 agreed to marry him precisely on the ground that four marriages are permissible in Islam. Respondent No.2 used to spend 15 days at Saudi Arabia and 15 days in India. They decided to marry on 30th November, 2020. As such, marriage was solemnized as per rituals of Islamic religion. After few days, relations between the couple strained on account of trifle reasons. Accused Salman Hingora had blocked mobile number of respondent No.2. Petitioner No.1 abused the respondent No.2 on mobile. It is also alleged that Salman Hingora demanded Rs.15,00,000/- from the respondent No.2 and also insisted her that she should ask her father to arrange a flat for them.

8. On 14th August, 2021 at around 8.30 p.m, respondent No.2 had been to the house of her husband at Dongri, Mumbai where the petitioners were present. She inquired about her husband - Salman Hingora. It is alleged that, at that time, all the petitioners attempted to assault her, however, respondent No.2 warned them that she would call the Police if they would make any such attempt. However, the petitioners replied that they are not afraid of the Police and thereafter started beating respondent No.2. She was pushed by petitioner No.3 - her father-in-law. In the altercation, front portion of her "T" shirt was torn by petitioner No.3 and he inappropriately touched her. A report came to be lodged as above, against the petitioners.

9. After investigation charge-sheet came to be filed before learned Metropolitan Magistrate 70th Court at Sewree, Mumbai being Case No.2636/PS/2022.

10. The parties have now decided to give a quietus to the dispute, pursuant thereto, respondent No.2 has sworn an affidavit dated 3rd February, 2023. The said affidavit is duly notarized before the Notary. In the said affidavit, respondent No.2 has stated that

petitioners and she has now settled the dispute amicably and they have no grievance against each other, therefore, she does not want to proceed with the criminal proceedings and the same be quashed and set aside, in view of the amicable settlement between them.

11. Respondent No.2 is present in the Court. On being questioned, she reiterates what is stated by her in her affidavit. Learned Counsel appearing for respondent No.2 has tendered photostat copy of her Driving Licence duly attested by her. The same is taken on record. Learned Counsel for respondent No.2 has identified her. Learned A.P.P has verified her original Driving Licence.

12. Considering the nature of the dispute, amicable settlement between the parties, affidavit of respondent No.2 and having regard to the judicial pronouncements of the Apex Court in the cases of **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 allowing the petition.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 406

13. Accordingly, petition is allowed and C.R. bearing No.552 of 2021 registered with Dongri Police Station, Mumbai, as against the petitioners and consequently, proceeding pending before the learned Metropolitan Magistrate, 70th Court at Sewree being Case No.2636/PS of 2022, are quashed and set aside.

14. Husband of respondent No.2 - Salman Hingora to deposit costs of Rs.25,000/- with **Vee Care Foundation**, details of which are as under;

Vee Care Foundation	Government Registration No.E/30112 (Mumbai)
Bank Account Number	123005000217
IFSC NO.	ICIC0001230
ICICI Bank Parel Branch	

The said costs to be deposited within four weeks from today.

15. Rule is made absolute in the aforesaid terms subject to the husband of respondent No.2-Salman Hingora depositing costs, as stated above. Petition is disposed of accordingly.

16. Matter to be kept for recording compliance regarding deposit of costs, on **10th March, 2023**.

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]