



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 880 OF 2023

Mohd. Hussain Meerjddin Shaikh and others ... Applicants

Versus

State of Maharashtra and another ... Respondents

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Mr. Sushrut Jadhwar for the Applicants.
Ms. M.M. Deshmukh, APP for the State.
Ms. Tanvi Mahadik instructed by Mr. Rahul Arote for Respondent No.2.
PSI Pawar, Neharunagar Police Station, present.

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**CORAM : NITIN W. SAMBRE &
N.R. BORKAR, JJ.**

DATED : 4 OCTOBER 2023

P.C. :-

1. Learned APP informs that the charge-sheet is submitted on 26 September 2023. In view thereof, leave to amend the prayer clause is granted. Amendment to be carried out forthwith.

2. Prayer is for quashing the FIR in Crime No.266 of 2023 for the offences punishable under Sections 498-A, 354, 406, 323, 504, 506 r/ w. 34 of Indian Penal Code, registered on 22 May 2023.

3. Respondent No.2-complainant married to the applicant No.1 on 20 January 2023. Alleging the demand of dowry and ill treatment, the

complaint came to be lodged which has resulted into registration of the offence.

4. Our attention is invited to the Affidavit filed by the Respondent No.2-complainant. It is stated in the said Affidavit that both the parties have amicably resolved their differences.

5. Respondent No.2-complainant, who is present in Court is identified by her Advocate. Similarly, pursuant to our request, the learned APP has interacted with the Respondent No.2-Complainant and Respondent No.2-complainant through learned APP informed that she has voluntarily executed the consent Affidavit and the contents thereof are true and correct.

6. In this background, having regard to the aforesaid voluntary act of the Respondent No.2-complainant, no purpose will be served in keeping the present proceedings pending against the Applicants having regard the stand taken by the Respondent No.2-complainant. Even otherwise it is not in the interest of parties to continue with the prosecution particularly when the parties have resolved their differences and are residing together.

7. In view of law laid down by 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, case for quashing is made out. As such, in view of the consent extended, Application stands allowed in terms of prayer clauses (b) and (b-1).

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466