

vai

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT
ANANDRAO
IDHOL
Date: 2023.08.29
19:09:50 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1390 OF 2022

Abdul Raheem Abdul Majid Idrisi & Ors. ...Applicants
V/s.
State of Maharashtra & Anr. ...Respondents

Mr.Rammani Upadhyay with Mr.Swatesh Tripathi for the Original Applicants.

Mr.Ajay Patil, APP for Respondent No.1 – State.

PSI Mr.Atmaram J. Kadam, Wadala T.T. Police Station present.

Mr.D.T. Tiwari for Respondent No.2.

Respondent No.2 present in person.

**CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ.**
DATE : 25TH AUGUST, 2023.

P.C. :-

1. The prayer is for quashing of FIR in Crime No.352 of 2019 under Section 498 (A), 323, 354 (a), 504, 506 509 & 34 of IPC read with Section 4 of Dowry Prohibition Act, registered with Wadala Police Station T.T. Mumbai.

2. Respondent No.2 Complainant alleges that she was married to Applicant No.1 on 19th December, 2015. It is claimed that since the demand of dowry was not fulfilled, she was treated cruelly

resulting in registration of offence.

3. Till this date, the Petitioners are not charge-sheeted.
4. Learned counsel for Respondent No.2 Complainant has tendered consent affidavit on record in the presence of Respondent No.2, who is identified by him.
5. Considering the contents of the consent affidavit, we requested Mr.Ajay Patil, APP to interact with the Respondent No.2 Complainant. We are informed that Respondent No.2 is admitting the contents of the consent affidavit and out of her own free will. She is extending the consent affidavit for quashing the FIR in view of intervention of common friends and well wishers of both sides. It is also stated that the Petitioner No.1 and Respondent No.2 have decided to part ways. In this backdrop, if we appreciate the very tendency of prosecution against the Petitioners, what can be noticed is that in view of law laid down in the matter of **Gian Singh vs. State of Punjab & Anr.** reported in **(2012) 10 SCC 303**, the object with which the offence is registered, cannot be taken in its logical end. The purpose will be served if all the Petitioners face prosecution. In view thereof, we deem it appropriate to allow the present Application in terms of prayer clause (a) having regard to the consent extended by Respondent No.2 Complainant.
6. In view of above, Application is allowed in terms of prayer

clause (a) subject to payment of costs of Rs.5,000/- per head by the Applicants to the Association of Parents of Mentally Retarded Children to be deposited in State Bank of India Account No.00000010884930648 with IFSC Code SBIN0009056. The cost shall be deposited by the Applicants within four weeks from the receipt of the order and receipt to that effect be placed on record within a week thereafter, failing which the order of quashing of proceedings shall automatically stand recalled and this Court will be constrained to proceed against the Applicants in accordance with law.

7. Leave to file Vakalatnama is granted.

(RAJESH S. PATIL, J.)

(NITIN W. SAMBRE, J.)