



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3253 OF 2023**

Mrs. Seema Bano Taj Mohd. Shaikh and Anr. ... Petitioners.
V/s.
The State of Maharashtra ... Respondent.

Mr. Pramod Shukla, for the Petitioners.
Mr. Ajay Patil, APP for the Respondent-State.
Mr. R.A. Shaikh a/w Mr. Hasan Sayed for Respondent No.2.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.
DATE : 10th October, 2023.**

ORDER : (Per Sharmila U. Deshmukh, J.)

1. Heard Mr. Shukla, learned Advocate for the Petitioners, Mr. Patil, learned APP for the Respondent-State and Mr. Shaikh, learned Advocate for Respondent No.2.
2. The Petitioners-accused in CR No.0451 of 2023 registered with Sakinaka Police Station for the offences punishable under Sections 420, 406, 427 read with Section 34 of the Indian Penal Code, 1860, seek quashing of the FIR with the consent of the Respondent No.2, the informant.
3. Learned Advocate for the Petitioners submits that during the hearing of the Anticipatory Bail Application, the parties settled the dispute and the consent terms agreed by the parties formed part of the Order dated 21st July, 2023, passed in Anticipatory Bail Application,

which is annexed at Page No.23 of the Petition. Learned Advocate for the Petitioners on instructions submitted that, till date police have not filed charge-sheet in the present crime i.e. CR No.0451 of 2023 registered with Sakinaka Police Station, Mumbai. The said statement is accepted.

4. Learned Advocate for the Respondent No.2 admits the execution of the consent terms as recorded in the Order dated 21st July, 2023 passed in Anticipatory Bail Application No.1963 of 2023. He has tendered the consent Affidavit of the Respondent No.2 dated 1st August, 2023. Paragraph No.17 of the Affidavit of the Respondent No.2 states that in view of the consent terms, CR No.451 of 2023 be quashed.

5. Considering that, at the time of hearing of the Anticipatory Bail Application, consent terms were executed between the parties, which came to be recorded in the Order dated 21st July, 2023 and the terms having been complied with by the Petitioners, we see no impediment in quashing the CR No.451 of 2023. Respondent No.2, who is present in-person, through his Advocate reiterates the contents of his consent Affidavit and submits that he has no objection to quashing the proceedings. As the dispute has been amicably resolved, we see no impediment in allowing the Petition in terms of prayer clause (b).

6. In view thereof, we are inclined to quash the CR No.0451 of

2023, registered with Sakinaka Police Station, Mumbai against the Petitioners.

7. As we expressed our opinion for quashing of the said CR, i.e., CR No.0451 of 2023, registered with Sakinaka Police Station, Mumbai, learned Advocate for the Petitioners, on instructions submitted that, Petitioners will pay a cost of Rs.12,500/-, per person, totaling to Rs.25,000/- to the Kirtikar Law Library, High Court, Mumbai, within a period of two weeks from the date of uploading of the Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

8. We direct the Petitioners to pay a cost of Rs.12,500/- per person, totaling to Rs.25,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Petitioners to deposit the said cost of Rs.12,500/-per person, totaling to Rs.25,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

9. In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (b), which reads thus:

“That a writ of mandamus and / or any other appropriate writ, order, direction be issued to quash the FIR no.0451

of 2023 registered by Sakinaka police station against the Petitioners for alleged offence u/s 420, 406, 427 r/w 34 of IPC.”

10. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

11. List the petition on board on 7th November, 2023, under the caption 'for reporting compliance' of present Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)