

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3185 OF 2022

Shabina Kamil Mansuri] ... Petitioner

V/s.

1. The State of Maharashtra &]

2. Ayub Gulam Hussain Patel] ... Respondents

WITH

CRIMINAL WRIT PETITION NO. 3648 OF 2023

1. Rubina Ayub Patel &]

2. Razia Abdul Aziz Mansuri] ... Petitioners

V/s.

1. The State of Maharashtra &]

2. Ayub Gulam Hussain Patel] ... Respondents

Ms. Rui Danawala for Petitioners in both Petitions.

Ms. Anamika Malhotra, A.P.P. for Respondent No.1-State.

Mr. Sarfaraj J. Shaikh i/b. Mr. Faizan Shaikh for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 3rd November 2023.

P.C. :

1) Leave to amend to incorporate challenge to the chargesheet in the pleadings and prayer clause in Writ Petition No. 3185 of 2022 is granted.

Amendment be carried out forthwith.

2) Petitioners i.e. (i) Smt.Shabina Kamil Mansuri, sister-in-law, (ii) Smt.Rubina Ayub Patel, wife of Respondent No.2 and (iii) Smt.Razia Abdul Aziz Mansuri, aunt of Petitioners Shabina and Rubina, have invoked jurisdiction of this Court under Article 226 of the Constitution of India, for quashing of CC No. 1195/PW/2018 pending on the file of learned Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai, arising out of MECR No. 09 of 2014 registered with Malvani Police Station, Mumbai, under Sections 463, 464, 465, 467, 468, 471, 406, 420, 323, 504, 506(2), 120(B) of Indian Penal Code, with consent of Respondent No.2, the complainant and husband of Petitioner Smt.Rubina Ayub Patel.

3) Learned Advocate for Petitioners submitted that, the Petitioners and Respondent No.2 have amicably settled their matter and have resolved their disputes and differences. That the Respondent No.2 has filed Affidavit dated 4th October 2023 duly affirmed before the Assistant Registrar of this Court, in that behalf. She therefore prayed that the present case may be quashed.

4) Learned Advocate for Respondent No.2 conceded to the fact of filing the affidavit by Respondent No.2.

4.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 4th October 2023 and his 'no objection' for quashing of the crime in question.

5) In view of the above, CC No. 1195/PW/2018 pending on the file of learned Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai, arising out of MECR No. 09 of 2014 registered with Malvani Police Station, Mumbai is hereby quashed.

6) Both the Petitions are allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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