

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4455 OF 2021**

1. Anjum Mehboob Sayyed	]	
2. Mehboob Sayyed	]	
3. Noor Mohammed Ibrahim Kadri	]	
4. Bushra Kadri	]	Petitioners

Vs.

1. The State of Maharashtra	]	
2. Aishah w/o Faiz Sayyed	]	Respondents

a/w

WRIT PETITION NO.5880 OF 2021

Sahil Mehboob Sayyed	]	Petitioner
Vs.		
1. The State of Maharashtra	]	
2. Aishah w/o Faiz Sayyed	]	Respondents

a/w

WRIT PETITION [STAMP] NO.19084 OF 2022

Faiz Mehboob Sayyed	]	Petitioner
Vs.		
1. The State of Maharashtra	]	
2. Aishah w/o Faiz Sayyed	]	Respondents

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Mr. Sandeep Karnik, for Petitioners in all the petitions.

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

Mr. Ankit A. Sawant, for Respondent No.2.

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

DATE : 3rd January, 2023.

ORDER:

1. Heard learned Counsel for the parties in all the aforesaid petitions.

2. Rule. Rule is made returnable forthwith, in all the petitions, with the consent of the parties and the petitions are taken up for final disposal. Learned A.P.P waives notice on behalf of respondent No.1-State in all the petitions and Mr. Sawant waives notice on behalf of respondent No.2 in all the petitions.

CRIMINAL WRIT PETITION NO.4455 OF 2021

3. By this petition, preferred 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 F.I.R registered vide C.R. No.152 of 2019

with the Dongri Police Station, Mumbai for the alleged offences punishable under sections 498-A, 377, 324, 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 C.C No.704/PW/2020. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Petitioner No.1 is the mother-in-law of respondent No.2. Petitioner No.2 the father-in-law and petitioners No.3 and 4 brother-in-law and sister-in-law, respectively of the respondent No.2.

5. According to the respondent No.2, she has amicably settled the dispute with her husband i.e petitioner No.1 and petitioner No.2's son, and, therefore, she has no objection to quashing of the proceeding initiated at her behest as against the said petitioners.

6. Learned Counsel for the respondent No.2 has filed an affidavit of the respondent No.2 dated 30th November, 2022 duly notarized before the Notary. To the said affidavit is annexed a photo copy of the Aadhar Card of the respondent No.2 duly attested by her. The said affidavit is taken on record. It appears from the said affidavit that the respondent No.2 and petitioner Nos. 1 and 2's son have amicably settled their dispute and that they have decided to stay together separately without the interference of the in-laws or relatives of either of the parties. It appears that the respondent No.2 from her marriage with the petitioner Nos.1 and 2's son has a daughter, who is aged about four years. In the said affidavit, respondent No.2 has given her no objection to the quashing of the proceedings initiated at her behest as against the petitioners, in view of the amicable settlement between her and her husband.

7. Learned Counsel for the respondent No.2 has also tendered the consent terms entered into between the parties. The said consent terms are dated 30th November, 2022. The said consent terms are taken on record. From the said consent

terms, it appears that the parties have amicably settled their dispute and as such, all parties have agreed not to file any cases either civil or criminal against each other. It is also agreed that the respondent No.2 will stay with her husband, without any interference from the in-laws or relatives of either of the parties. Other terms and conditions have also been stipulated in the consent terms and respondent No.2 and the petitioners have undertaken to comply with the said terms and conditions.

WRIT PETITION NO.5880 OF 2021

8. By this petition, the petitioner seeks quashing of the F.I.R registered vide C.R. No.152 of 2019 with the Dongri Police Station, Mumbai for the alleged offences punishable under sections 498-A, 377, 324, 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 C.C No.704/PW/2020. Quashing is sought on the premise that the parties have amicably settled their dispute.

9. Petitioner in the aforesaid petition, is the brother-in-law of the respondent No.2. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 30th November, 2022 duly notarized before the Notary. To the said affidavit is annexed a photocopy of the Aadhar Card of the respondent No.2 duly attested by her. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that she has amicably settled the dispute with her husband and she has no objection to quashing of the F.I.R initiated at her behest against the petitioner. Learned Counsel for the respondent No.2 has also tendered copy of the consent terms entered into between the respondent No.2 and others. As per the said consent terms, the respondent No.2 and her husband have decided to stay separately from their family. All the parties have agreed to abide by the terms and conditions stipulated in the said consent terms. The said consent terms dated 30th November, 2022 are taken on record.

CRIMINAL WRIT PETITION [STAMP] NO.19084 OF 2022

10. By this petition, the petitioner seeks quashing of the F.I.R registered vide C.R. No.152 of 2019 registered with the Dongri

Police Station, Mumbai for the alleged offences punishable under sections 498-A, 377, 324, 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 being C.C No.704/PW/2020. Quashing is sought on the premise that the parties have amicably settled their dispute.

11. Petitioner in the aforesaid petition is the husband of the respondent No.2. It appears that the respondent No.2 got married to the petitioner on 18th January, 2018 and from the said wedlock, they have a daughter born on 6th December, 2018. According to the respondent No.2, as she was ill-treated and harassed by the petitioner and all the petitioners in the connected petitions, she filed the aforesaid F.I.R which was registered vide C.R. No.152 of 2019.

12. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 30th November, 2022 duly notarized before the Notary. To the said affidavit is

annexed a photocopy of the Aadhar Card of the respondent No.2 duly attested by her. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that she and her husband - petitioner have decided to live together separately from in-laws and the relatives. The consent terms entered into between the respondent No.2 and other petitioners are taken on record. The said consent terms are dated 30th November, 2022. Both, the respondent No.2 and the petitioner have undertaken to abide by the terms and conditions set out in the consent terms.

13. Having heard learned Counsel for the parties, having regard to the relations between the parties as stated aforesaid, nature of the dispute, amicable settlement between the parties, affidavit of the respondent No.2, the fact that the respondent No.2 has decided to reside with her husband and also having regard to the judicial pronouncements of the Apex Court in the case of **Gian Singh Vs. State of Punjab and another**¹ and **Narinder Singh and others Vs. State of Punjab and another**²,

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

there is no impediment in allowing the petitions.

14. The petitions are accordingly allowed and the F.I.R bearing C.R. No.152 of 2019 registered with the Dongri Police Station, Mumbai as against the petitioners and consequently, the proceeding pending before the learned Metropolitan Magistrate 70th Court, Sewree, Mumbai, being C.C. No.704/PW/2020, are quashed and set aside.

15. Rule is made absolute in the aforesaid terms. Petitions are disposed of accordingly.

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

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]