

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1148 OF 2023

Mehfooz Mohammed Ashraf Shaikh and others ... Applicants

Versus

The State of Maharashtra and another ... Respondents

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Mr. Naqvi S.A.A. Hasan for the Applicants.

Mr. Y.Y. Dabake, APP for the State.

Ms. Geeta Singh for Respondent No.2.

Both parties are present.

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**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 1 DECEMBER 2023

P.C. :-

1. The Applicants have challenged the First Information Report (FIR) dated 20 July 2023 registered with Sakinaka Police Station vide FIR No.1796 of 2023 for the offence punishable under Sections 498A, 377, 406, 354, 504, 506 r/w. 34 of Indian Penal Code.

2. The FIR was registered at the instance of Respondent No.2. The Applicant No.1 is husband, Applicant No.2 is sister-in-law, Applicant No.3 is brother-in-law of the applicant No.1 and Applicant No.4 is sister-in-law of the Respondent No.2-complainant.

3. The parties have resolved the dispute amicably. A joint request is made for quashing the FIR. Respondent No.2 has filed Affidavit-in-Reply dated 30 September 2023 stating that she has no objection for quashing the impugned FIR. The compromise terms executed between the parties are placed on record, wherein it is stated

that the Applicant No.1-husband would deposit an amount of Rs.6 lakhs by way of demand draft issued in favour of Respondent No.2 at the time of execution in filing of consent terms.

4. The Respondent No.2 has initiated the proceedings under the Protection of Women from Domestic Violence Act (DV Act). It is submitted that the demand draft for an amount of Rs.6 Lakhs as stipulated in the compromise terms has been tendered before the Court of Learned Magistrate in the proceedings under the DV Act.

5. Respondent No.2 has filed additional Affidavit-in-Reply dated 17 October 2023, stating that both the parties have agreed to settle the matter and filed consent terms dated 19 August 2023 in the proceedings under the DV Act.

6. The Respondent No.2 has joined the employment as Store Manager and she is earning some income. She is able to maintain herself and her child. The Respondent No.2 and her husband has signed Khulanama and she do not want more alimony except the amount of Rs.6 lakhs as stipulated in the compromise terms. It is also stated that Respondent No.2 is performing second marriage in January 2024. The Additional Affidavit is taken on record.

7. The Applicant No.1 and the Respondent No.2 are present in Court. It is submitted by both of them that they have resolved the dispute and the impugned FIR can be quashed.

8. Considering the fact that the dispute was on account of matrimonial discord between the parties and since the parties have arrived at amicable settlement, the FIR can be quashed against the Applicants.

ORDER

- (i) Criminal Application No.1148 of 2023 is allowed.
- (ii) FIR dated 20 July 2022 registered with Sakinaka Police Station vide Crime No. 1796 of 2022 is quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
Date: 2023.12.01
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