

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APL NO. 1199 OF 2022**

Shahid Hussain Yakub Ansari

Relation (Husband)

Age 40 Adult, Occupation Service,
Residing at Taj Stores Kajupada,
Ghas Compound, Near Al Sharukh,
Kurla (W) Mumbai.

.....Applicant

Vs.

1) The State Of Maharashtra

2) Wadala Police Station, Mumbai.

3) Mrs. Shagufta Shahid Hussain Ansari
Age 35 years.,
Resident at : Fatima Communication,
BPT railway, Gate No.4,
Nityanand Nagar, Wadala East,
Mumbai.

.....Respondents

Mr. Tariq Khan for the Applicant.

Ms. M.M. Deshmukh, APP for the Respondent Nos.1 and 2-State.

Adv. Muazzama Ansari for Respondent No.3.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 15th MARCH, 2023.

P.C.:-

1) By the present Application, Applicant husband of Respondent No.3 has prayed that, C.C. No.1287/PW/2016 pending on the file of learned Metropolitan Magistrate 29th Court, Dadar Mumbai arising out of CR No.216 of 2015 registered with Wadala Police Station, Mumbai be

quashed and set aside.

2) Heard Mr. Khan, learned Advocate for the Applicant and Ms. Ansari, learned Advocate for the Respondent No.3 and the learned APP for the Respondent Nos.1 and 2.

3) Mr. Khan, learned Advocate for the Applicant fairly submitted that, after filing of charge-sheet in the aforesaid crime, the trial Court has proceeded with the trial and as of today the evidence of the first informant i.e. Respondent No.3 herein has been recorded. He submitted that, the Respondent No.3 had also instituted case No.73/DV/2015 under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, “*Domestic Violence Act*”) in the Court of learned Metropolitan Magistrate 62nd Court, Bhoiwada, Mumbai. That, in the said case i.e. No.73/DV/2015 the Applicant and the Respondent No.3 have arrived at an amicable settlement and filed Consent Terms dated 17th January, 2022. The clause No.14 thereof provides for withdrawal/quashing/compounding of criminal case filed under Section 498(A) of the Indian Penal Code i.e. the present crime. He also drew our attention to the Affidavit filed by the Respondent No.3 dated 20th September, 2022, duly affirmed before the Notary Registrar, in support of the Application.

4) Learned Advocate appearing for the Respondent No.3 concedes to the facts noted hereinabove.

Respondent No.3 is personally present in the Court and upon a query made by this Court, she also conceded to the facts of amicable settlement between her and the Applicant and filing of Consent Terms dated 17th January, 2022 in the Court of Metropolitan Magistrate, 62nd Court Bhoiwada, Mumbai in case No.73/DV/2015 .

5) As the parties herein have settled the matter amicably and the offence alleged against the Applicant does not prescribe sentence for life imprisonment, we are accepting the joint request of the Applicant and Respondent No.3 and allow present Application.

6) Application is accordingly allowed in terms of prayer clause (a).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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SANJIV
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MASHALKAR
Date: 2023.03.20
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