

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1223 OF 2022

1. Mohammad Bilal Iqbal Sayyad
 2. Iqbal Abdul Razzak Sayyad
 3. Mrs. Shanaz Iqbal Sayyad
 4. Dilshaad Iqbal Sayyad
 5. Ajgari @ Parvin Muzzaffar Shaikh
 6. Muzzafar Gulam Shaikh
- ... Applicants

Versus

1. The State of Maharashtra
 2. Naziya Mohammad Bilal Iqbal Sayyad
- ... Respondents

....

Mr. Viral Rathod a/w Mr. Vishwatej Jadhav i/by Ms. Saima Sothe,
Advocate for the Applicants.

Mr. Raviraj Gamare a/w Mr. Manoj Gaikwad, Ms. Shubhangi Chorge for
Respondent No.2.

Mrs. M.H. Mhatre, APP for the Respondent No.1. – State.

....

**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**
DATE : 13th DECEMBER, 2023.

P.C.:

1. The Applicants are challenging the criminal proceedings in Case No.775/PW/22 pending before the Court of learned Metropolitan Magistrate 70th Court at Mumbai which are arising out of First Information Report (for short 'FIR') registered with Dongri Police Station on 27.04.2022 vide Crime No.213 of 2022 for offence punishable under Sections 498-A, 323 & 504 of Indian Penal Code (for short "IPC").

2. The Applicant No.1 is the husband. The applicant No.2 is father-in-law, Applicant No.2 is the mother-in-law and the other applicants are the relatives of Applicant No.1. The FIR has been registered at the instance of Respondent No.2. She is the wife of Applicant No.1.

3. The parties have resolved the dispute. The Consent Terms are executed between them. The Consent Terms indicate that it is mutually agreed between the parties that the applicant No.1 shall pay total amount of Rs.1,75,000/- as full and final settlement to Respondent No.2 in two installments. It is agreed that the applicant No.1 will hand over Demand Draft of Rs.1,00,000/- at the time of quashing the impugned FIR and charge-sheet in C.C. No.775/PW/2022. It is also agreed by the parties that the balance amount of Rs.75,000/- which would be paid by Demand Draft dated 05.12.2023 which is to be handed over to Respondent No.2 after obtaining Khula/divorce from the Applicant No.1 before Kazi and on filing an Affidavit of no objection on 06.01.2024 before the Sessions Court in Criminal Appeal No.618 of 2022 filed by Applicant No.2 challenging the conviction in C.C. No. 840/PW/2021.

4. It is submitted by both the sides that the amount of Rs.1,00,000/- as stipulated in the Consent Terms has been already

parted to Respondent No.2. The Respondent No.2 has also filed an Affidavit of Consent stating that she has no objection for quashing the charge-sheet. The Consent Terms and the Affidavit of Respondent No.2 are taken on record and marked as 'X' and 'X-1' for identification. The dispute had arisen on account of matrimonial differences between the parties. There is settlement amongst them. Respondent No.2 is present in the Court. In view of settlement, the prayer for quashing the charge-sheet can be granted.

ORDER

- i. Criminal Application No.1223 of 2022 is allowed;
- ii. Proceedings in Case No.775/PW/22 pending before the Court of learned Metropolitan Magistrate 70th Court at Mumbai which are arising out of First Information Report No.213 registered with Dongri Police Station is quashed and set aside.
- iii. Application stands disposed of accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)