

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4752 OF 2018

Fahad Nisar Ahmed Shaikh & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. A.N. Pathan for Petitioners.

Ms. M.M. Deshmukh, A.P.P. for Respondent No.1-State.

Mr. Avnendra Kumar for Respondent No.2.

PSI Ms.Varalaxmi Sakinal, Goregaon Police Station, Mumbai is present.

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

DATE : 6th April 2023.

P.C. :

1. By the present Petition, the Petitioners, i.e. husband, brother-in-law, mother-in-law and sister-in-law of Respondent No.2 have prayed for quashing of CR No. 178 of 2016 registered with Goregaon Police Station, Mumbai under Sections 498(A), 406, 323, 504, 506 read with 34 of Indian Penal Code.

2. Admittedly in last about six years, the Investigating Officer did not take pains to complete investigation and submit chargesheet before the Court of competent jurisdiction.

Today the learned A.P.P, on instructions, submitted that, the Investigating Officer has now submitted chargesheet before the learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai, on 3rd April 2023.

We deprecate the practice of the concerned Investigating Officer

in not completing investigation of such a simple nature wherein Section 498A and other allied sections of Indian Penal Code have been applied.

3. Be that as it may.

Learned Advocate for Petitioners submitted that, the Petitioners and Respondent No.2 have settled the matter amicably and Respondent No.2 has given her 'no objection' for quashing the said CR No. 178 of 2016 registered with Goregaon Police Station, Mumbai and subsequent proceedings arising therefrom.

4. Learned Advocate for Respondent No.2 tendered across the bar an Affidavit dated 6th April 2023 duly affirmed by the Respondent No.2 before the Assistant Registrar of this Court.

In para No.4 thereof, the Respondent No.2 has given her no objection in unequivocal terms to quash CR No. 178 of 2016 registered with Goregaon Police Station, Mumbai.

5. Respondent No.2 is personally present in the Court and through her Advocate has reiterated the contents of the Affidavit dated 6th April 2023 and has also given her no objection for quashing of the said crime.

6. In view thereof, CR No.178 of 2016 registered with Goregaon Police Station, Mumbai and subsequent proceedings thereof including subsequent filing of chargesheet are hereby quashed and Petition is allowed in terms of prayer Clause (a).

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]