

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 364 OF 2019**

1. Murad Hamid Mushrif,
Age 46 years, Occu.:Private Service.

2. Sou. Nafisa Murad Mushrif,
Age 46 years, Occu.:Service.

R/o. S. N. 140/20, Plot No. 29,
Alveera Bunglow, Mahalaxmi Chowk,
Govt. Colony, Sangli, Tal.-Miraj,
Dist.-Sangli.

3. Shri. Gulabhussain Noormahammad Mujawar,
Age 61 years, Occu.:Pensioner,
R/o. Noor, S. N. 128/1B, Aishwarya Colony,
Shahu Nagar, Godoli, Satara, Dist.-Satara.Petitioners

Vs.

1. The State of Maharashtra,
(C. R. No. 198 of 2018 registered
with Vishramabug Police Station).

2. Kausar Murad Mushrif,
Age 44 years, Occu.:Housewife,
R/o. Parijat Colony, Savant Plot,
Vishrambaug, Sangli, District-Sangli.Respondents

Mr. Jayant J. Bardeskar for the Petitioners.

Ms. Mahalakshmi Ganapathy, A.P.P for the Respondent-State.

Ms. Bilkis M. Shaikh for Respondent No. 2.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 30th SEPTEMBER 2024.

ORDER (Per Dr. Neela Gokhale, J) :-

1) Leave to amend to correct C. R. number in prayer clause (a) and to incorporate challenge to R.C.C. No. 438 of 2018 pending on the file of Chief Judicial Magistrate, Sangli in the prayer clause of the Petition granted.

1.1) Amendment be carried out forthwith.

2) Petitioners seek to quash and set aside criminal proceedings bearing R.C.C. No. 438 of 2018 pending on the file of Chief Judicial Magistrate, Sangli, arising out of FIR bearing C. R. No. 582 of 2016 dated 29th November 2016 registered with the Vishram Baug Police Station, Sangli for the offences punishable under Sections 498A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 ('IPC').

3) The dispute between the parties arose out of allegations of demands of money leading to filing of the FIR impugned herein. Hence, the Respondent No. 2 filed the FIR impugned herein.

4) Mr. Jayant J. Bardeskar, learned counsel appears for the Petitioners and Ms. Bilkis M. Shaikh, learned counsel appears for the Respondent No. 2. Ms. Mahalakshmi Ganapathy, learned A.P.P. represents the State.

5) Learned counsels of parties state that, considering the decision of the parties to resolve their dispute by amicable settlement, Respondent No. 2 has filed her consent Affidavit of today's date i.e. 30th September

2024, duly affirmed before the Assistant Registrar of this Court. In paragraph No. 4 thereof, she has given her no objection to quash and set aside the present criminal proceedings.

6) Respondent No. 2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 30th September 2024 and her 'no objection' for quashing of the crime in question.

7) Considering the facts in the present case and the consent Affidavit of Respondent No. 2, we are inclined to quash and set aside criminal proceedings bearing R.C.C. No. 438 of 2018 pending on the file of Chief Judicial Magistrate, Sangli, arising out of FIR bearing C. R. No. 582 of 2016 dated 29th November 2016 registered with the Vishram Baug Police Station, Sangli.

8) In view of the above, Petition is allowed in terms of prayer clauses (a) and amended (a-1).

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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