

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

**CRIMINAL WRIT PETITION NO. 741 OF 2024**

Mohammed Adil Amin Shah And Anr. ...Petitioner  
Versus  
The State of Maharashtra and Anr. ...Respondents

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Mr. Ayyub Bashir Patel i/by Bashir Abdul Patel, Advocate for the Petitioner.

Ms. Sushma J. Shinde, Advocate for Respondent No.2.

Ms. K. T. Hivrale, APP for the Respondent – State.

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

**DATE : 7<sup>th</sup> MARCH, 2024.**

**P.C.:**

1. The Petitioners are charge-sheeted for offences punishable under Sections 498-A, 406, 323, 504 & 506 r/w Section 34 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered at the instance of Respondent No.2 on 28.05.2019 with Oshiwara Police Station, Mumbai vide C.R. No.211 of 2019.

2. The Petitioner No.1 is the husband, Petitioner No.2 is father-in-law, Petitioner No.3 is mother-in-law and Petitioner No.4 is brother-in-law and Petitioner No.5 is wife of Petitioner No.4.

3. The parties have resolved the dispute. Consent Terms were filed before the Family Court in Petition No. A-368/2021. As per the Consent Terms, the Respondent No.2 has agreed for quashing the impugned proceedings. The Consent Terms also indicate that the parties have agreed to dissolve the marriage by consent and towards the child support the Petitioner No.1 has deposited an amount of Rs.16,50,000/- which is agreed to be withdrawn after passing the decree of divorce subject to quashing of FIR. The Consent Terms are annexed to this Petition. The Petitioner No.1 and Respondent No.2 are present in the Court. Respondent No.2 has consented for quashing the proceedings. She has filed the Affidavit and admitted the contents of the said affidavit. She has no objection for quashing the proceedings.

4. Considering the fact that the dispute is on account of matrimonial discord between the parties, the impugned proceedings can be quashed.

### **ORDER**

- i. Writ Petition No.741 of 2024 is allowed and disposed off;
- ii. Criminal Proceedings in C.C. No.154/PW/2021 pending before the learned Metropolitan Magistrate Railway Mobile Court, At Andheri, Mumbai arising out of FIR dated

28.05.2019 registered with Oshiwara Police Station, Mumbai vide C.R. No.211 of 2019 are quashed and set aside;

**iii.** Learned Advocate for Respondent No.2 is permitted to file Vakalatnama within one week.

**(N. R. BORKAR, J.)**

**(PRAKASH D. NAIK, J.)**