

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

CRIMINAL WRIT PETITION NO. 705 OF 2024

Wilson Dominic Dsouza and Anr. ...Petitioners

Versus

Shakeel Ahmed S/o Isteyar Ahmed and Anr. ...Respondents

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Ms. Archana Khan, Advocate for the Petitioners.

Mr. A.S. Shalgaonkar, APP for the Respondent – State.

Mr. Chowdhari Moin, Advocate for Respondent No.1.

Mr. Ravindra H. Pawar, (H.C.), Khar Police Station, present.

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

DATE : 7th MARCH, 2024.

P.C.:

1. The Petitioners are challenging the First Information Report (for short 'FIR') dated 06.12.2023 registered with Khar Police Station, Mumbai vide C.R. No.993 of 2023 for offences punishable under Sections 380, 406, 420 r/w Section 34 of Indian Penal Code (for short "IPC").

2. The parties have settled the dispute. The complainant has no objection for quashing the FIR.

3. Learned Advocate for the Petitioners submitted that the dispute was amongst the family members which has been resolved. The parties do not wish to continue with the impugned proceedings.

4. The Respondent No.1/Complainant is present in the Court. He has no objection for quashing the FIR. He has filed affidavit of consent dated 07.03.2024.

5. The affidavit of Respondent No.1 mentions that the impugned FIR had culminated from the dispute between the parties. The Petitioners are the relatives of late wife of the complainant. The parties had entered into the Memorandum of Understanding on 22nd January 2024 and Petitioner Nos.1 and 3 are handed over to the complainant the gold articles of his wife which was in their custody. On 23.01.2024 Deed of Settlement was signed by all the parties which was notarized as per the terms agreed under the Deed of Settlement dated 23.01.2024. The parties had agreed to open locker No.797 with Bank of Baroda at Bandra (West) and handover all gold and other articles kept in the brown paper bag lying inside the said locker, in charge of minor daughter Shanaya and the same could be complied. The Petitioner Nos.1 & 3 had agreed to withdraw all allegations and claim in Suit

No.3399 of 2023 pending before the City Civil Court at Dindoshi, Mumbai. The affidavit is taken on record.

6. In the light of relationship between the parties and since the settlement has been arrived, with the consent of the complainant, the impugned FIR can be quashed.

ORDER

- i.** Criminal Writ Petition No.705 of 2024 is allowed;
- ii.** The FIR dated 06.12.2023 registered with Khar Police Station, Mumbai vide C.R. No.993 of 2023 is quashed and set aside.
- iii.** The Bank Locker No.797 situated at Bank of Baroda at Bandra is directed to be De-sealed/de-freezed by permitting the Petitioner No.3 to open the same as agreed by the Parties and hand over the articles inside the locker to the person in terms of settlement in the presence of respective parties.
- iv.** Writ Petition is disposed of accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)