

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 857 OF 2024

**1. Mustafa Yusuf Khan
2. Yusuf Babu Khan
3. Zoharabin Yusuf Khan
4. Samina Rehan Khan
5. Kulsum Saifullah Qureshi**

...Petitioners

Versus

**1. The State of Maharashtra
2. Khusnuma Mustafa Khan**

...Respondents

....

Mr. Mehul Thakkar, Advocate for the Petitioners.

Ms. K. T. Hivrale, APP for Respondent-State.

Ms. Anju Agarwal Advocate for Respondent No.2.

....

Digitally signed by
Dnyaneshwar
Ethape
DN: cn=Dnyaneshwar
Ethape, o=

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

DATE : 15th MARCH 2024

P.C.:-

1. The petitioners are arraigned as accused in FIR dated 18th December 2018 registered with Powai Police Station, Mumbai vide C.R. No.663 of 2018 for offences under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860.

2. The FIR was registered at the instance of Respondent No.2. The marriage between petitioner No.1 and Respondent No.2 was performed on

24th November 2017. The respondent No.2 filed Domestic Violence complaint in 2019. The FIR was registered in 2018. On completing investigation, charge-sheet was filed.

3. Petitioner No. 1 is husband, petitioner No.2 is father-in-law, petitioner No.3 is mother-in-law, petitioner No.4 and 5 are sister-in-law of respondent No.2.

4. Parties have settled the dispute. The complainant has no objection for quashing the proceedings.

5. The complainant is present in the Court. She is represented by Advocate. Joint affidavit is filed by petitioner and respondent No.2. In the affidavit it is stated that, there is settlement between the parties. The complainant has no objection if the petition is allowed and the proceedings are quashed. The petitioner No.1 and respondent No.2 have undertaken to take khulla after quashing the proceedings. The parties have executed consent terms which are annexed to the petition. Affidavit is taken on record.

6. Thus, parties have settled the dispute amicably and the complainant has no objection for quashing the impugned proceedings. Dispute had arisen on account of matrimonial discord between the parties.

ORDER

- (i) Criminal Writ Petition No.857 of 2024 is allowed;
- (ii) The impugned proceedings in C.C. No.871/PW/2019 pending before

the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai arising out of FIR dated 18th December 2018 registered with Powai Police Station, Mumbai vide C.R. No.663 of 2018 is quashed and set aside.

(iii) Learned Advocate for Respondent No.2 undertakes to file vakalatnama on behalf of Respondent No.2 within a period of two weeks from today.

(iv) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)