

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

CRIMINAL WRIT PETITION NO.119 OF 2024

Shahid Noor Azad Hussain and
Ors.

...Petitioners

Versus

Mrs. Aaisha Banoo Raksha and
Anr.

...Respondents

....

Mr. Rajendra Narvankar for the Petitioners.

Advocate Afsar Ansari for Respondent No.1.

Mr. Ajay Patil, APP for Respondent No.2.-State.

Mr. Ram N. Kedar, PSI, Nayanagar Police station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED: 16th JANUARY, 2024.

P.C.:-

1. This is a petition under Article 226 of the Constitution of India to quash the FIR No.I-266 of 2022 registered with Nayanagar Police Station, Thane, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 r/w 34 of the IPC and R.C.C. No.2668 of 2022 arising therefrom and pending on the file of learned J.M.F.C., Thane.

2. The aforesaid crime was registered pursuant to the FIR

lodged by Respondent No.1. The marriage of Respondent No.1 and Petitioner No.1 was solemnised on 21/02/2010. Respondent No.1 lodged the FIR on 23/04/2022 alleging that her husband and family members had subjected her to physical and mental cruelty.

3. Learned counsel for the Petitioners and Respondent No.1 state that the parties have settled the dispute amicably. It is stated that they are already divorced as per the terms and conditions incorporated in Talaknama, copy of which is placed at Exhibit B. Respondent No.1 has also filed her affidavit stating that the matrimonial dispute is amicably settled and that as per the terms and conditions the Petitioner No.1 had agreed to pay an amount of Rs.8,00,000/- towards permanent alimony. Respondent No.1 has given her no objection to quash the FIR and the criminal proceedings arising therefrom.

4. Respondent No.1 is present in person before the Court. She is identified by her Advocate. She has confirmed the contents of the affidavit and has reiterated that the matrimonial dispute has been amicably settled and that she has received Rs.8,00,000/-

towards full and final settlement. The settlement is genuine and voluntary. Since the parties have put an end to the matrimonial dispute, continuance of criminal proceedings would be abuse of process of law.

5. Under the circumstances, the petition is allowed. FIR No.I-266 of 2022 registered with Nayanagar Police Station, Thane, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 r/w 34 of the IPC and R.C.C. No.2668 of 2022 arising therefrom and pending on the file of learned J.M.F.C., Thane, stand quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)