

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

WRIT PETITION NO. 133 OF 2024

Mr. Shoaib Abdul Majeed Hurzuk & Ors. ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

Ms. Tahera Abdul Rashid Qureshi for the Petitioner.

Mr. Hakim Salim for the Respondent No.1.

Ms. Rutuja Ambekar, APP for the State.

Respondent no.2 present in Court

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

DATED : 18th JANUARY, 2024.

P.C.

1. This petition, under 226 of the Constitution of India, is for quashing C.R. No.502 of 2013 registered with Khar Police Station, Mumbai, for the offences under Section 498A, 406, 312 r/w. 34 of the Indian Penal Code, and Criminal Case No. 2403/PW/2014 pending on the file of the Addl. Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai.

2. The aforesaid crime was registered pursuant to the FIR lodged by the respondent no.2. The marriage of respondent no.2 and petitioner no.1 was solemnized on 09.05.2010. Respondent no.2

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lodged FIR on 3.12.2013 alleging that her husband and his family members had subjected her to physical and mental cruelty.

3. Learned Counsel for the petitioner and respondent no.2 state that the parties have settled the dispute amicably. They have placed on record consent terms filed in the M.J.Petition No.E-387 of 2014 before the Family Court at Bandra, Mumbai. The respondent no.2 has also filed her affidavit giving consent to quash the FIR.

4. Respondent no.2 is present before the Court. She is identified by her Advocate. She confirms the contents of the affidavit and reiterates that the matrimonial dispute is amicably settled and that she does not wish to proceed against the petitioners.

5. In our considered view, the settlement is voluntary and genuine. Since the parties have put an end to the matrimonial dispute, continuance of criminal proceedings will be an exercise in futility and will amount to an abuse of process of Court.

6. Under the circumstances, the petition is allowed in terms of

prayer clause (a).

. C.R. No.502 of 2013 registered with Khar Police Station, Mumbai, for the offences under Section 498A, 406, 312 r/w. 34 of the Indian Penal Code, and Criminal Case No. 2403/PW/2014 pending on the file of the Addl. Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai, are quashed.

(N.R.BORKAR, J.)

(ANUJA PRABHUDESSAI, J.)