

DINESH
SADANAND
SHERLA

Digitally
signed by
DINESH
SADANAND
SHERLA
Date:
2024.03.13
19:00:07
+0500

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 216 OF 2024**

Amjad A. Majid Jiwani

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Ms Gayatri Gokhale i/b Advocate Faisal Shaikh for the
Petitioner.

Ms Rutuja Ambekar, APP for the Respondent/State.

Ms Najmussahar Asadi for Respondent No.2.

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

DATE : 12.03.2024.

PC:-

1. This is the petition for quashing the charge-sheet filed against the petitioner for offences under Section 498-A, 377, 323, 504, 506 of the Indian Penal Code (IPC). The proceedings are pending before the Court of learned Metropolitan Magistrate, 44th Court at Andheri, Mumbai vide C.C. No.2886/PW/2016.

2. The First Information Report (FIR) dated 31.05.2016 was registered at the instance of respondent No.2 with Amboli Police Station vide C.R. No.218 of 2016. On completing investigation, the charge-sheet is filed.

3. Respondent No.2 is the wife of petitioner. There is amicable settlement between the parties. The marriage is dissolved and the respondent No.2 has performed second marriage.

4. Respondent No.2 has filed the affidavit along with consent terms executed between the parties. The affidavit indicates that there is settlement between the parties and she has no objection for quashing the impugned proceedings. The consent terms stipulated that the petitioner has agreed to pay Rs.2,50,000/- by way of Demand Draft to respondent No.2 towards her claim of marriage expenses and full and final settlement.

5. It is submitted that the amount of Rs.2,50,000/- is already parted to respondent No.2.

6. Since the respondent No.2 is pregnant, she could not attend in the proceedings. Vide order dated 1.3.2024, the concerned officer was directed to verify the contents of affidavit.

7. Learned APP submitted that the concerned Officer had visited the residence of respondent No.2 and her statement was recorded. She has admitted the contents of the affidavit and indicated that she has no objection for quashing the proceedings. The copy of the statement of respondent No.2 is taken on record.

8. Considering the fact that the parties have resolved the dispute and since the FIR was registered on account of matrimonial discord between the parties, the impugned proceedings can be quashed.

ORDER

A] Criminal Writ Petition is allowed.

B] The proceedings in C.C. No.2886/PW/2016 pending on the file of Metropolitan Magistrate, 44th Court at Andheri, Mumbai arising out of FIR dated 31.05.2016 registered with Amboli Police Station vide C.R. No.218 of 2016 is quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)