

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1891 OF 2024

Mohsin Mohd. Hanif Shaikh & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Mohd. Saeed Mughal for the Petitioners.

Mr. Anand S. Shalgaonkar, APP for Respondent No.1-State.

Ms. Deepa Panicker for Respondent No.2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.**

DATE : 28th NOVEMBER 2024.

P.C.:-

1) This is a Petition for quashing of the FIR registered vide C.R.No. 609 of 2021 dated 16th September 2021 at Pantnagar Police Station, Mumbai resulting in C.C.No. 690/PW/22 pending before the 50th Metropolitan Magistrate at Vikroli for offences punishable under Sections 498-A, 406, 323, 504, 506-II read with 34 of the Indian Penal Code, 1860 ('IPC').

2) Heard Mr. Mohd. Mughal, learned counsel appearing for the Petitioners, Mr. Anand S. Shalgaonkar, learned APP representing the Respondent-State and Ms. Deepa Panicker learned counsel

appearing for the Respondent No.2.

3) The FIR is lodged by the Respondent No.2 herein ('Informant'). She has stated that she got married with the Petitioner No.1 on 29th May 2015. Petitioners No.2 and 3 are his sisters and mother respectively. The FIR mentions that the Informant's relatives had given ornaments to her and the Petitioner No.1. After marriage, she started residing with her husband and in-laws. Initially, she was treated properly but slowly Petitioners started ill-treating her. Petitioners no. 2 and 3 used to taunt her often. Petitioner No.1 lost his business and then he started drinking liquor. After some time, the Petitioner No.1 and the Informant started residing at Malad but even there, the Petitioner No.1 used to abuse her and quarrel with her. The other Petitioners used to visit them once or twice a year and at that time they used to harass her. There are some other instances when the Petitioner No.1 drove her out of the house. She was not allowed to go to her matrimonial house. Ultimately, the Informant has lodged the present FIR. Investigation was carried out and the charge-sheet was filed. The charge-sheet contains the statements of mother, aunt and cousin of the Respondent No.2. All of them have supported the allegations made in the FIR.

4) The matter is now settled between the parties. The Respondent No.2-Informant tendered an Affidavit dated 18th November 2024 giving her no objection for quashing of the present criminal proceeding. The Affidavit mentions that she is to get Rs.5 Lakhs on quashing of this proceeding as well as by withdrawing a proceeding under the Domestic Violence Act filed by her.

5) Respondent No.2 is present in the Court. She is identified by her counsel. She reiterates the averments made by her in the Affidavit. She specifically stated before the Court that she has no objection for quashing of the present proceeding.

6) Learned counsel for the Petitioner submitted that the amount mentioned in the Affidavit will be handed over to the Respondent No. 2 herself. The statement is recorded and accepted.

7) The dispute between the parties is purely personal in nature hence, we are inclined to quash the present proceeding. Hence, the following order:

ORDER

(i) C.C.No. 690/PW/22 pending before the 50th Metropolitan Magistrate at Vikroli arising out of FIR registered vide C.R.No. 609 of 2021 dated 16th September 2021 at

Pantnagar Police Station, Mumbai is quashed and set aside.

(ii) In case, the amount as agreed by the Petitioner No.1 is not paid to the Respondent No.2, she is at liberty to approach this Court for recalling the present order.

8) Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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