

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2720 OF 2024**

Masab Rafik Valiyani,
Age 28 years, Residing at B 602,
Sagufa Apartment, Sahakar Road,
Jogeshwari (West), Mumbai – 400 102.

.....Petitioner

Vs.

1. The State of Maharashtra
Through The Senior Police Inspector,
Sahar Police Station.
2. X.Y.Z.,
Age 25 years, Residing at A-701,
Shreeram Tower CHSL, Off. MTNL Road,
Shanti Park, Behind DCB,
Mira Road (East), Mira-Bhyander,
Thane, Maharashtra – 401 107.

.....Respondents

Mr. H. I. Sirguroh a/w Mr. Parth S. Vadhan for the Petitioner.
Smt. Madhavi H. Mhatre, A.P.P. for the Respondent-State.
Mr. Smit Shah for Respondent No. 2.
PI. Mr. Mangesh Borse, Sahar Police Station, Mumbai present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 19th SEPTEMBER 2024.**

ORDER (Per Dr. Neela Gokhale, J.) :-

- 1) Petitioner seeks to quash F.I.R. No. 355 of 2023 (C.R. No. 276 of 2023) dated 15th July 2023 registered with the Sahar Police Station, Mumbai for the offense punishable under Section 376(2)(n) of the Indian Penal Code, 1860 (I.P.C.).

- 2) The parties were in a consensual relationship. Certain misunderstandings arose between the parties leading to registration of the F.I.R. impugned herein.
- 3) The Investigating Officer has not filed the Final Report till date.
- 4) Mr. H. I. Sirguroh, learned counsel appears for the Petitioner and Mr. Smit Shah, learned counsel appears for the Respondent No. 2. Smt. Madhavi H. Mhatre, learned A.P.P represents the State.
- 5) Learned counsels of both the Petitioner as well as the Respondent No. 2 state that, considering the decision of the parties to resolve their dispute by amicable settlement, Respondent No. 2 has filed her consent Affidavit dated 10th September 2024 duly affirmed before a Notary Public. In paragraph No. 12 thereof, she has given her no objection to quash and set aside the present F.I.R. The Respondent No. 2 in her Affidavit states that, the parties have settled their differences and misunderstandings and infact they have solemnized their marriage on 15th July 2024 at Abu Dhabi as per Islamic Rites and Law. The Judicial Department of U.A.E. has issued the certificate of marriage bearing Regd. No. 8142-2024.
- 6) Respondent No. 2 is present in the Court and on instructions her counsel reiterates the statements made by her in the Affidavit. We accept the statements.
- 7) Considering the facts in the present case and the consent Affidavit of Respondent No. 2, we are inclined to quash F.I.R. No. 355 of

2023 (C.R. No. 276 of 2023) dated 15th July 2023 registered with the Sahar Police Station, Mumbai.

8) In view of the above, Petition is allowed in terms of prayer clause (b).

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2024.09.23
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