



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3198 OF 2024

Mohammad Naved Abdul Gani Shaikh & Ors.Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Farhana Shah with Ms. Amna Khan, for the Petitioners.

Mr. S. A. Karmakar, APP for Respondent No.1-State.

Mr. Bhavesh Ameta, for Respondent No.2.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 16th OCTOBER 2024.

P.C.:-

1) The Petitioners seek quashing of criminal proceedings bearing No. PW/1888/2018 pending on the file of Judicial Magistrate First Class, 24th Court, Borivali arising from F.I.R. No.218 of 2017 dated 27th March 2017 registered with Malvani Police Station, Mumbai for offences punishable under Sections 498A, 406, 504, 323, 506 and read with 34 of the Indian Penal Code. The Respondent No.2 is the First Informant. The Petitioner No.1 is her former husband and Petitioners No.2 to 5 are his relatives.

2) The Respondent No.2 has alleged in the F.I.R. that she was married to the Petitioner No.1 on 15th April 2014. Her parents had given her in-laws entire furniture necessary to furnish their house and also valuable ornaments as gifts. She has given a detailed description of the ornaments in the FIR. She contends that the Petitioners treated her with physical and mental cruelty and she has also narrated some of the instances of the cruelty in the said FIR. She was made to do all household work single handedly and Petitioners always used to abuse her and deprived her of meals and medicine when she fell ill. Due to the ill-treatment meted out to her, there was a marital discord between the parties leading to filing of the impugned FIR.

3) The Respondent No.2 submitted that she and the Petitioner No.1 are now divorced and a Deed of *Khulanama* were executed on 14th March 2018. Thereafter, she married another person and now she is residing with him.

4) The Respondent No.2 is present in Court today and is identified by her counsel. She has filed Affidavit dated 16th October 2024 duly affirmed before a Notary Public. She reiterated all the averments made by her in the Affidavit through her Council.

5) Considering the no objection given to quash the impugned

FIR and the ensuing proceedings and since the nature of the dispute between the parties is purely personal and does not affect the society at large, we are inclined to quash the impugned F.I.R. and the criminal proceedings.

6) In view of the foregoing, criminal proceedings bearing No. PW/1888/2018 pending on the file of Judicial Magistrate First Class, 24th Court, Borivali arising from F.I.R. No.218 of 2017 dated 27th March 2017 registered with Malvani Police Station, Mumbai are quashed and set aside.

7) The Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)