



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4512 OF 2024

Afzal Hayatullah Khan & Ors.

.....Petitioners

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Nadeem Shaikh, with Adv. Sherali S. Khan, for Petitioners.

Smt. Madhavi H. Mhatre, APP, for Respondent No.1-State.

Mr. Chaitanya R. Kulkarni, for Respondent No.2.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 24<sup>th</sup> OCTOBER 2024.

**P.C.:-**

1) Leave to amend to correct the case number in prayer clause. Amendment be carried out forthwith.

2) The Petitioners seek quashing of criminal case No.1089/PW/2023 pending before the Judicial Magistrate First Class, 49<sup>th</sup> Court at Vikroli, Mumbai arising out of C.R.No.754 of 2022 dated 27<sup>th</sup> August 2022 registered at Ghatkopar Police Station for offences under Sections 498-A, 354, 323, 406 read with 34 of the Indian Penal Code. The Petitioner No.1 is the husband of the First Informant Respondent No.2. The Petitioner No.2 is her father-in-law and the

Petitioners No.3,4 and 5 are the other relatives of the Petitioner No.1-husband.

3) It is alleged in the F.I.R. that the marriage between the Respondent No.2 and the Petitioner No.1 took place on 15<sup>th</sup> November 2018 as per the Muslim customs. The Respondent No.2's parents had given lot of articles in the marriage and had also incurred substantial expenditure for the said marriage. She has given a list of ornaments and other articles which were gifted to her by her parents. It is also alleged that the Petitioners harassed the Respondent No.2 after the marriage and continuously taunting her that her parents had not given enough articles to the Petitioners. In December 2018, she conceived. The Petitioners were not happy about the same and asked her to medically terminate the child as it was too early for her to give birth to a child. She also found the Petitioner No.1 chatting with another lady on his mobile phone. There are other instances of cruelty narrated in the F.I.R. due to which there is a marital discord leading to the filing of the present F.I.R. The investigation is conducted by the police and the chargesheet came to be filed. There are statements of father and brothers of Respondent No.2 which corroborate the allegations in the F.I.R.

4) When the chargesheet was filed, the parties decided to resolve the dispute amicably. Mr. Kulkarni, learned counsel for Respondent No.2 states that he will file his *vakalatnama* within a period of one week from today. The Respondent No.2 has filed an Affidavit dated 24<sup>th</sup> October 2024 duly affirmed before a Notary Public. In paragraph No.6 of the Affidavit, she stated that she has no objection for quashing and setting aside the criminal proceedings arising out of the F.I.R. She has received a full and final settlement in pursuance of the Consent Terms executed by and between the parties. The Respondent No.2 is present in Court and identified by her counsel. She reiterates the averments made by her in the Affidavit.

5) In view of the fact that the parties have resolved their dispute amicably and the nature of the dispute is purely personal, we are inclined to quash the criminal proceedings arising out of the present F.I.R.

6) In view of the aforesaid, we pass the following order:

**ORDER**

- (i) The criminal case No.1089/PW/2023 pending before the Judicial Magistrate First Class, 49<sup>th</sup> Court at Vikroli, Mumbai arising out of C.R.No.754 of 2022 dated 27<sup>th</sup>

August 2022 registered at Ghatkopar Police Station are quashed and set aside.

(ii) The Petition is accordingly disposed of.

**(DR. NEELA GOKHALE, J.)**

**(SARANG V. KOTWAL, J.)**