

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4663 OF 2024

Samsullah Jainullah ChaudharyPetitioner
Vs.
The State Of Maharashtra & Anr.Respondents

**WITH
WRIT PETITION NO.4664 OF 2024**

Sehrunnisha Jainullah Chaudhary & Ors.Petitioners
Vs.
The State of Maharashtra & Anr.Respondents.

Mr. Prajot H. Jaggi, with Ms. Pallavi Kulkarni & Ms. Poonam Rajbhar,
for Petitioners in both Petitions.
Mr. Ajay Patil, APP for Respondent No.1-State in WP 4663/2024.
Mr. Vinod Chate, APP for Respondent No.1-State in WP 4664/2024.
Mr. Shiv Malhotra i/b Aamir N. Malik, for Respondent No.2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 14th NOVEMBER 2024.**

P.C.:-

- 1) These Writ Petitions are disposed of by common order since they arise out of the same crime number and the same incident. The Petitioners in both these Petitions seek quashing of the FIR registered vide C.R.No. 1075 of 2021 at Sakinaka Police Station, Mumbai which has resulted in C.C.No.1517/PW/2023 pending

before the 66th Metropolitan Magistrate, Andheri, Mumbai under Sections 498-A, 323, 377, 406, 504 and 506 read with 34 of the Indian Penal Code, 1860 ('IPC').

2) Heard.

3) The FIR is lodged by the Respondent No.2 ('First Informant').

She has stated that she got married with the Petitioner-Samsullah in Criminal Writ Petition No.4633 of 2024. In Writ Petition No.4664 of 2024, Petitioners No.1 and 2 are parents and the Petitioner No.3, is brother of her husband respectively. She has alleged in the FIR that after her marriage when she started residing with her in-laws, her mother-in-law, i.e., the Petitioner No.1 in Writ Petition No.4664 of 2024 used to make her do more work. All of them used to taunt her. The Informant's in-laws had promised her to give Rs.5 Lakhs by way of '*Meher*' but even that amount was not paid to the Informant. Informant's family had spent Rs.15,50,000/- during her wedding including articles. Petitioners had given 42 tolas gold ornaments to the Informant but they have not handed over those ornaments to the Informant when necessary. Informant's husband was addicted to liquor. There are allegations of forcible

physical relations. It is also alleged that her husband had an extra-marital relationship with another lady. On all these grounds, the Informant was harassed and, therefore, she lodged the present FIR. Investigation was carried out and charge-sheet was filed. Charge-sheet contains statements of some family members of the Informant, who was her maternal uncle and aunt, mother, etc. Whereas, there are other statements, which are not supporting the Informant's case. However, today, we are not deciding merits of the matter because parties have arrived at an amicable settlement of disputes between them.

- 4) Informant is present before the Court. She is identified by her counsel. Both the learned counsel, informant and her husband jointly make a statement that the issues between the parties have been resolved and the Informant and her husband are residing together peacefully and harmoniously. There is no problem in their matrimonial life. Informant has filed her consent affidavit giving specific consent for quashing of the FIR and the consequent criminal proceeding. The Informant, who is present in the Court reiterates the stand taken in the Affidavit.
- 5) Considering that the dispute between the parties is personal in

nature and does not affect the society at large and pending prosecution would not serve fruitful purpose, we are inclined to allow this Petition. Hence, the following order:

ORDER

- (i) The FIR registered vide C.R.No. 1075 of 2021 at Sakinaka Police Station, Mumbai resulting in C.C.No. 1517/PW/2023 pending before the 66th Metropolitan Magistrate, Andheri, Mumbai are quashed and set aside.
- 6) Petitions are allowed and disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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