



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4834 OF 2024

Mohammed Khurshid Awan & Ors.Petitioners
Vs.
The State of Maharashtra & Anr.Respondents

Ms. Sherin Baby with Mr. Suhail Shariff, i/b. Falcon Legal, for the
Petitioners.

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

Ms. Afreen Shaikh, for Respondent No.2.

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

DATE : 28th NOVEMBER 2024.

P.C.:-

1) Leave to amend to correct the date of F.I.R. in the prayer
clause and the pleadings is granted. Amendment be carried out
forthwith.

2) The Petitioners seek quashing of criminal proceedings
arising out of C.R. No.215 of 2012 dated 3rd July 2012 registered with
Oshiwara Police Station for offences punishable under Sections 498-A,
406, 504 and 506 read with 34 of the Indian Penal Code.

3) The Petitioner No.1 is the husband of Respondent No.1
and Petitioners No.2 to 4 are father, mother and brother of
Respondent No.1. It is alleged by the Respondent No.2 that she

married the Petitioner No.1 on 11th December 2009 as per the rites of Muslim religion. Her parents had given gold ornaments, furniture and other household items at the time of the marriage. On the very first night of the marriage, the Petitioner No.1 told her that he was not agreeable for marriage with her and he was pressurized for marriage. He already had a girlfriend with whom he wanted to get married. Thereafter, Petitioner No.1 abused her and treated her with cruelty. He told her that, her parents had not given sufficient dowry and the furniture that they had gifted was very old. They kept telling her that had he got married with someone else, the said girl would have brought seven to eight flats for them as dowry. Aggrieved by this mental and physical harassment the Respondent No.2 registered the said F.I.R.

4) The Investigating Agency has filed the chargesheet along with statements of her parents, brother and mediator. These statements corroborate the allegations made by her in the F.I.R.

5) Now it is the say of the Respondent No.2 that they have settled the matter and their marriage is dissolved by a decree of divorce. The Respondent No.2 is present in Court today and identified by her counsel. She has filed an Affidavit giving her no objection for

quashing of the criminal proceedings arising out of the impugned F.I.R. The Affidavit is dated 25th November 2024 and duly affirmed before a Notary Public.

6) Considering that the dispute is purely of personal nature and there is nothing against the society at large, we quash the F.I.R. bearing C.R. No.215 of 2012 dated 3rd July 2012 registered with Oshiwara Police Station and the criminal proceedings culminating therefrom.

7) The Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)