

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.4870 OF 2024**

Rizwan Mohd. Rafi Shaikh & Ors. .... Petitioners

versus

The State of Maharashtra & Anr. .... Respondents

.....

- Mr. Mohd. Saeed Mughal, Advocate for Petitioners.
- Mr. R. M. Pethe, APP for the State/Respondent.
- Ms. Deepa Panicker, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &  
DR. NEELA GOKHALE, JJ.**  
**DATE : 02<sup>nd</sup> DECEMBER, 2024**

**P.C. :**

1. The Petitioner is seeking quashing of the FIR No.I-475 of 2023 dated 04/09/2023 registered with Naya Nagar Police Station, Thane, for the offence punishable u/s 498-A, 406, 323, 377, 504, 506 r/w 34 of the Indian Penal Code, culminating in RCC No.444/2024 pending before the Judicial Magistrate First Class, Thane. The Petitioner No.1 is the husband of the Respondent No.2 and the Petitioner Nos.2 and 3 are sister-in-law and mother-in-law respectively.

2. It is the say of Respondent No.2 in the FIR that she and the Petitioner No.1 married on 12/03/2022 as per the Muslim rituals. She has stated in the FIR that there was some ill-treatment meted out to her by the Petitioners on the ground that she had not brought a motorcycle, fridge, gold ornaments etc. at the time of marriage. There are also allegations that the Petitioner No.1 used to abuse her in intoxicated state. She was physically abused and there were persistent demands of money, gold ornaments and other items from her. In these circumstances, she filed the impugned FIR herein.
3. The investigation was carried out and the charge-sheet was filed.
4. Be that as it may, during pendency of the criminal proceedings, the parties settled the matter amicably and are now residing together as husband and wife. The Respondent No.2 has filed an affidavit dated 15/10/2024 affirmed before the Assistant Registrar, Appellate Side of the Bombay High Court. In paragraph No.4 of the said affidavit, she has admitted and stated

that she wished to cohabit with her husband and hence she has no objection for quashing of the present criminal proceedings.

5. The Respondent No.2 is present in the Court today and is identified by her counsel. She reiterates the statements made by her in the affidavit. She says that she has been living with the Petitioner No.1 since last three months and is presently happy.

6. In this situation and considering that the dispute between the parties is personal in nature and the society at large is not affected by the dispute, we are inclined to allow this Petition.

7. Hence, the following order :

### **ORDER**

- (i) The FIR registered vide C.R.No.I-475 of 2023 dated 04/09/2023 registered with Naya Nagar Police Station, Thane and the further proceedings arising out of the said FIR, RCC No.444/2024 pending before the Judicial Magistrate First Class, Thane, are quashed and

set aside.

(ii) The Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)