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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.408 OF 2024

1. Shadab Sikandar Shaikh,
Age 28 years, Occupation: Service,
Room No.307, Survey No.112,
Walmiki Nagar, Bharat Nagar,
Bandra (E), Mumbai -51.
 2. Nafisa Sikandar Shaikh,
Age: 57 years, Occupation: Household,
Room No.18, Survey No.21, Nehru Vikas,
Mandal, Bharat Nagar, Behind Chawl No.44,
Bandra (E), Mumbai -51.
 3. Neha Sikandar Shaikh,
Age: 26 years, Occupation: Household,
Residing at: Room No.302, Open Plot-3,
Bharat Nagar, Bandra (E), Mumbai -51.
 4. Alfiya Sikandar Shaikh,
Age: 29 Years, Occupation: Household,
Residing at: Room No.302, Open Plot-3,
Bharat Nagar, Bandra (E), Mumbai -51.
 5. Asiya Khan,
Age: 45 Years, Occupation: Household,
Residing at: Room No.725, Chawl No.46,
Bharat Nagar, Bandra, Mumbai -51.
 6. Ismail Khajamiya Qureshi,
Age: 47 Years, Occupation: Service,
Residing at: Room No.26, Opp. Chawl No.46,
Bharat Nagar, Bandra, Mumbai -51.
-Applicants

Vs.

1. The State Of Maharashtra,
(At the instance of Bandra Kurla Complex
Police Station, Mumbai)
(Vide their C.R.No.I-195 of 202323)

2. Mariyam Shadab Sikandar Shaikh,
Age: 24 years, Occupation: Household,
Residing at: 289/A, Room No.85,
Indiraji Nagar, Bazar Road,
Opp. Shahin Building, Bandra (W),
Mumbai 400 050.

.....Respondents

Mr. Abdul W. Shaikh, for the Applicants.

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

Mr. Aditya Parmar, i/b. Mr. Faizal Inamdar, for Respondent No.2.

Ms. Sujata Yadav, PSI, BKC Police Station is present.

**CORAM: A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 27th JUNE, 2024.

JUDGMENT (Per Dr. Neela Gokhale) :-

- 1) Rule. Rule is made returnable forthwith. With consent of the parties, matter is taken up for final disposal.
- 2) Learned APP waives notice on behalf of the Respondent No. 1-State. Mr. Abdul Sheikh and Mr. Aditya Parmar learned counsel represent the Applicants and the Respondent No.2 respectively.
- 3) Applicants seek to quash and set aside C.C.No.1408/PW/2023 pending before the Metropolitan Magistrate, 71st Court, Bandra, arising out of C.R.No.I-195 of 2023 lodged with Bandra Kurla Complex Police Station, dated 8th May 2023 for offenses punishable under Sections 498-A, 354-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 ("I.P.C.") filed by the Respondent No.2 ("Original Complainant").

4) Applicant No.1 is the husband of Respondent No.2 and Applicants No.2 to 6 are the mother-in-law, sisters-in-law, aunt and uncle of the Applicant No. 1 respectively.

5) It is the contention of the parties that, on account of some misunderstandings between them, the complainant filed the F.I.R. leading to the impugned proceedings. However, now they have cleared the misunderstanding and are desirous of settling the matter. In fact they state that, the Applicant No. 1 and the complainant have resumed cohabitation and are living together happily.

6) Complainant has filed a Consent Affidavit dated 27th June 2024 attested before a Notary Public. She specifically states in the Affidavit that, she is happily residing with the Applicant No. 1 and has no objection to quash the criminal proceedings against the Applicants. She is present in the Court today. On instructions, Mr. Aditya Parmar, the counsel of the complainant states that in view of the settlement, complainant has no objection to quash the criminal proceedings before the Metropolitan Magistrate, 71st Court, Bandra.

7) The Application is accordingly allowed. The criminal proceedings being the Police Warrant Case No. 1408 of 2023 pending before the Metropolitan Magistrate, 71st Court, Bandra, arising out of C.R.No.I-195 of 2023 of Bandra Kurla Complex Police Station dated 8th May 2023 for

offenses punishable under Sections 498-A, 354-A, 323, 504, 506 read with Section 34 of the I.P.C. are hereby quashed and set aside.

8) Rule is accordingly made absolute in the aforesaid terms.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)