



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.611 OF 2024

Mohamad Farukh Dastagir Shaikh & Ors.Applicants

Vs.

The State of Maharashtra & Anr.Respondents

Mr. Viral J. Bhanushali, for the Applicant.

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

Ms.Pratima Patil, for Respondent No.2.

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

DATE : 5th DECEMBER 2024.

P.C.:-

1) This is an Application for quashing of the F.I.R. registered vide C.R.No.153 of 2024 at Thane City Police Station under Sections 377, 498-A, 504 & 506 read with 34 of the Indian Penal Code and the resultant criminal case bearing R.C.C.No.1471 of 2024 pending before the Chief Judicial Magistrate, Thane.

2) Heard Mr. Bhanushali, learned counsel for the Applicants, Mr. Karmakar, learned APP for the Respondent No.1-State and Ms. Patil, learned counsel for Respondent No.2.

3) The F.I.R. is lodged by the Respondent No.2 (the informant) on 1st February 2024. She has stated that in 2022, there

was a marriage proposal of Applicant No.1 for the informant. Applicants No.2 and 3 are his parents and Applicants No.4 and 5 are his sisters. The F.I.R. mentions that after the proposal was brought by a common friend, the Applicant No.1 and the informant started meeting with each other. There are allegations that on some occasions they had physical relations in different lodges. There are allegations of unnatural physical relation. However, after that they got married on 25th March 2022. There are allegations that after initial few days, the Applicants started ill-treating the informant on the allegations that her family members had not given sufficient dowry in the wedding. There are allegations that the Applicant No.1 was suspecting her character with reference to a third person. There are other allegations of unnatural physical relation. The other Applicants used to instigate the Applicant No.1. This went on till July 2022. On these allegations, the F.I.R. is lodged. The investigation is carried out and the chargesheet is filed. The chargesheet contains the investigation regarding those different lodges and various panchnamas apart from the statements of the informant.

4) After the investigation was over and chargesheet was filed, the Applicants have now settled the matter amicably. The Respondent

No.2 has filed her Affidavit mentioning her no objection for quashing of the F.I.R.

5) The Respondent No.2 is present in Court and identified by her learned counsel. She reiterated before the Court the contents of the Affidavit and stated that she has no objection for quashing of the F.I.R. and that she has received all the amount mentioned in the Affidavit.

6) Considering that it is a purely personal dispute between the Applicant No.1 and his family on one hand and informant on the other and since the parties have settled the matter, we are inclined to allow this Application. Hence, the following order:

ORDER

- i) The F.I.R. registered vide C.R.No.153 of 2024 at Thane City Police Station under Sections 377, 498-A, 504 & 506 read with 34 of the Indian Penal Code and the resultant criminal case bearing R.C.C.No.1471 of 2024 pending before the Chief Judicial Magistrate, Thane are quashed and set aside.
- ii) The Criminal Application is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)