

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

CRIMINAL APPLICATION NO. 806 OF 2024

Mrs. Fatemabi Yusuf Mohammed Sayed
W/o. Mr. Yusuf Md. Md. Khalil Sayed & Ors. ..Applicants
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Naqvi Shahood Anwar A. Hasan for Applicants.
Mr. Anand Shalgaonkar for State/Respondent.
Mr. Ronak Shah for Respondent No.2.

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

DATE : 21 OCTOBER 2024

PC :

1. This application is filed for quashing of the F.I.R. registered vide the C.R.No. I 167 of 2023 dated 21.03.2023 at Naya Nagar police station culminating in R.C.C.No.3172 of 2023 before the J.M.F.C., Thane.

2. Heard Mr. Naqvi Hasan, learned counsel for the Applicants, Mr. Anand Shalgaonkar, learned counsel for the State and Mr. Ronak Shah, learned counsel for the Respondent No.2.

3. As can be seen that the charge-sheet is already filed in this case after thorough investigation. The charge-sheet is filed U/s.498-A, 406, 323, 504 and 506 r/w. 34 of the I.P.C. In that context, we have examined the charge-sheet. The F.I.R. is lodged by the first informant i.e. the Respondent No.2 herein. The Applicant No.4 was her husband. The Applicant Nos.1 and 2 are his parents and the Applicant No.3 is his brother. The F.I.R. mentions that the informant got married with the Applicant No.4 on 25.12.2020. Her parents had spent for expenses during the marriage. Her parents had given her ornaments. After the marriage, she started residing with the applicants, but she was not treated properly. The Applicant No.4 used to abuse her and, therefore, she left their house and went back to her parent's house on 16.02.2021. The Applicant No.4 went to Qatar on 10.06.2021. It has alleged in the F.I.R. that the brother in law of the informant used to send abusive messages to her telephonically. The Respondent No.2 had told her husband i.e. Applicant No.4, but he used to ignore her. The Respondent No.2 then approached the authorities. There was a counseling session. The Applicant Nos.1

and 2 assured to treat her property and took her back to her matrimonial house, but the illtreatment started again. There are allegations that the Applicant No.3, on one occasion, beat her with fists. Ultimately, she lodged her F.I.R.

4. The investigation was carried out. The statements of her parents, brother and uncle were recorded which corroborate her allegations in the F.I.R. Now the matter is settled between the parties. The Respondent No.2 has filed her affidavit giving consent for quashing of the proceedings. It is mentioned in the affidavit that, F.I.R. was registered in the heat of the moment and due to misunderstanding between herself and the applicants. She has further stated in paragraph-9 that she was giving her no objection for quashing of the F.I.R. and the subsequent R.C.C.No.3172 of 2023; as mentioned earlier.

5. The Respondent No.2 is present in the Court. She is identified by her counsel. She stated before the Court that she has got back her ornaments and the matter is settled. There was divorce between herself and the Applicant No.4. She added that,

she is getting married to her future husband in a near future. Therefore, she submitted that the proceedings be quashed.

6. The nature of dispute is purely personal between the parties. The society is not involved. The sections applied after thorough investigation also show that it was a private dispute. The Respondent No.2 wants to move ahead in her life. She is getting married shortly. She does not want the prosecution to drag on. Hence, in the interest of the parties and in particular, in the interest of the Respondent No.2, we are inclined to allow this application.

7. Hence, the following order:

ORDER

- i) The F.I.R. registered vide the C.R.No. I 167 of 2023 dated 21.03.2023 at Naya Nagar police station resulting in R.C.C.No.3172 of 2023 before the J.M.F.C., Thane, are quashed and set aside.
- ii) The Application is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)