



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 883 OF 2024

Mr. Mohammed Wasi Akbar Hussain Sayed (Zaidi)

Aged: 38 years, Adult, Indian Inhabitant,
residing at Room No.409, 4th floor, Bldg.No.4A,
Natwar Parikh Compound, MHADA Colony,
G.M.Link Road, Govandi, Mumbai - 400043.

.....Applicant

Vs.

1. The State of Maharashtra,
(At the instance of Shivaji Nagar
Police Station, Mumbai)
To be served upon Public Prosecutor
High Court, Mumbai

2. Mrs. Tabassum Begum
Wife of Mohammed Wasi Sayed (Zaidi)
Aged 33 years, Occu: Housewife
4th floor, Bldg. No.4A, Natwar Parikh Compound
MHADA Colony, G.M.Link Road,
Govandi, Mumbai – 400043.

.....Respondents

Mr. Kaustubh Thipsay, for the Applicant.

Mr. Ashish I. Satpute, APP for Respondent No.1-State.

Mr. Amanjhot Anand i/b Mr. H.S.Anand, for Respondent No.2.

Mr. S.D.Patil, PSI, Shivaji Nagar Police Station Mumbai present.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.

DATE : 31st JULY, 2024.

JUDGMENT (Per Dr. Neela Gokhale, J) :-

1) Applicant seeks to quash and set aside criminal proceedings
bearing C.C.No.2086/PW/2019 pending before the Metropolitan Magistrate,
57th Court, Kurla, Mumbai, arising out of C.R.No.226 of 2019 registered

with Shivaji Nagar Police Station dated 28th April 2019 for offenses punishable under Sections 326, 498-A, 504 and 506(II) of the Indian Penal Code, 1860 (“IPC”) filed by the Respondent No.2.

- 2) Applicant No.1 is the husband of Respondent No.2.
- 3) It is the contention of the parties that, on account of some misunderstandings between them, Respondent No.2 filed the F.I.R. leading to the impugned proceedings. However, now they have cleared the misunderstandings and are desirous of settling the matter. In fact, Applicant and Respondent No.2 have accordingly filed Consent Terms dated 8th June 2024 and have agreed to amicably settle all the matrimonial disputes.
- 4) That, Respondent No.2 had also filed C.R.No.493 of 2018 registered with Shivaji Nagar Police Station, Mumbai under Sections 498-A, 354-D, 324, 504, 506, 323 & 406 read with 34 of the IPC against the Applicant and his mother. By Order dated 16th July 2024 in Criminal Application No.877 of 2024, this Court had quashed the aforesaid FIR and the criminal proceedings bearing C.C.No.1456 of 2020 arising therefrom and pending before the Metropolitan Magistrate, 57th Court, Kurla, Mumbai.
- 5) Respondent No. 2 states that the present proceedings are also relating to the same matrimonial dispute. Mr. Thipsay, learned counsel appearing for Applicant and Mr. Anand, learned counsel appearing for Respondent No.2 state that the parties are now residing together and the

Applicant has agreed to take care of Respondent No.2 and her two minor daughters. Both counsels on instructions state that, the present criminal proceedings also be quashed.

6) Considering the facts in the present case including quashing of previous criminal proceedings being C.C.No.1456 OF 2020 between the same parties, the Application is allowed in terms of prayer clause 17(a).

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)