

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

WRIT PETITION NO.1566 OF 2024

Adil Khan Durrani
[Original Accused]
[Husband of Respondent No.2]
Aged: 30 years, Adult, Muslim,
Indian Inhabitant, Resident
Of 2348/1, Mission Hospital Road,
Mandi Mohalla,
Karnataka-570001.
Presently Residing in Mumbai ...Petitioner

Versus

1. The State of Maharashtra
Through the Public Prosecutor's Office,
The Hon'ble Bombay High Court, Mumbai.
2. Rakhi Sawant
[Original Complainant/First Informant]
Aged about 46 years, Adult, Indian Inhabitant,
Having residential address at Room No.501,
Serenity Building, Near Cafe Safar ,
Jogeshwari West, Mumbai – 400 060. ...Respondents

Mr. Suhail Shariff a/w Ms. Ajreen Shaikh, Ms. Mitali Varma and
Mr. Mohammad Omar Hashmi for the Petitioner.

Mr. R. M. Pethe, A.P.P for the Respondent No.1-State.

Mr. Ashok M. Saraogi i/b Ms. Falguni Brahmabhatt, Ms. Rukhsar
Anssari, Mr. Kadir Lokhandwala, Mr. Girish Palav and Ms. Priti Rao
for the Respondent No.2.

PSI – Dipak Thorat from Oshiwara Police Station, Mumbai, is present.

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.***

DATE : 15th OCTOBER 2025

ORAL JUDGMENT (Per Revati Mohite Dere, J.):

1. At the outset, learned counsel for the petitioner seeks leave to amend the petition. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the parties.
3. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Saraogi waives notice on behalf of the respondent No.2.

4. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No.119 of 2023 registered with the Oshiwara Police Station, Mumbai, for the alleged offences punishable under Sections 377, 323, 406, 498A, 504, 506 of the Indian Penal Code. It appears that post the filing of the FIR, charge-sheet has been filed in the said case and as such the petitioner also seeks quashing of the same, as well as the proceeding pending before the learned Judicial Magistrate First Class, Andheri Railway Mobile Court, Andheri, Mumbai, being C.C. No.20/PW/2024. Quashing is sought with the consent of the parties i.e. in view of the amicable settlement arrived at between the parties.

5. Perused the papers. The petitioner and the respondent No.2 got married in the year 2022 as per Muslim rites and customs. Thereafter, the said marriage was registered. It appears that there was some matrimonial dispute/discord between the parties, pursuant to which, the respondent No.2 lodged an FIR, which was registered vide C.R. No.119 of 2023 with the Oshiwara Police Station, Mumbai, for the alleged offences punishable under Sections 377, 323, 406, 498A,

504, 506 of the Indian Penal Code. It appears that in the said case during the course of investigation the petitioner was arrested and subsequently released on bail. After, the filing of the charge-sheet, the petitioner and the respondent No.2 decided to amicably settle their dispute i.e. not only C.R. No.119 of 2023 but also another C.R. being C.R. No.870 of 2023, registered at the behest of the petitioner, as against the respondent No.2 with the Amboli Police Station, Mumbai, for the alleged offences punishable under Sections 500 r/w 34 of the Indian Penal Code and under Section 67A of the Information Technology Act.

6. Learned Counsel for the respondent No. 2 has tendered an affidavit of the respondent No.2 dated 15th October 2025. The said affidavit is taken on record. Paras 1 to 6 of the said affidavit, reads thus:

“1. I say that I have learnt that the above said Petitioner has preferred the above Writ Petition for Quashing of the Criminal Case No. 20/PW/2024 emanating from FIR No. 119/2023 registered with Oshiwara Police Station u/s 377, 498A, 323, 504, 506 of The Indian

Penal Code, 1860 pending adjudication before the Ld. Railway Court, Andheri, Mumbai. I am recording my Irrevocable Consent for Quashing of the above Criminal Complaint. I say that the said Criminal Case is now pending before the Ld. Railway Court, Andheri, Mumbai, wherein the Petitioner is arraigned as an Accused. I say that I had filed the said complaint against the petitioner, but now we have amicably settled our dispute. I have no objection against the said Petitioner as arraigned in the above C.C No. 20/PW/2024 for Quashing of the said complaint. I also state that I am withdrawing the said complaint on account of the amicable settlement between us. Therefore, I withdraw all allegations made against him in my pleading, correspondence before any legal forum and shall not cause to prosecute the same in view of the said settlement/compounding.

2. *I crave leave to refer to and rely upon the said complaint/FIR/Statement, as if the same is forming part of my present affidavit. I further state that I shall not press for any compensation and/or claim any damages from the Petitioner, as arraigned in the above criminal case C.C No. 20/PW/2024 pending before Ld. Railway Court, Andheri, Mumbai, in future over the said cause and so also the same act will be reciprocated by the Petitioner. I further state that I am filing the present consent terms date 17.07.2025 with no undue influence or coercion by the Petitioner before this Hon'ble Court.*
3. *I say that I have no complaint against the Petitioner and I do hereby cause to withdraw all allegations, complaint/s made against the Petitioner before any forum in writing or otherwise.*

4. *I say we have agreed that we will not interfere in the personal life of each other and not make any remarks/comments against each other in public or before any media company or publish anything that is unjust or defamatory against each other after the filing of the present consent affidavit.*
5. *I say that after filing of this affidavit we have agreed not to pursue any future legal proceeding in any jurisdiction within India and shall withdraw all/any proceedings of whatsoever nature initiated by us anywhere in India.*
6. *I say that I agree to withdraw the following cases filed against the Petitioner within a period of 4 weeks from the date of filing consent and that the Petitioner husband shall remain present as and when required and shall file appropriate Consent Affidavit/No Objection:*
 - a. *C.C. No. 136/SS/2023 that is pending for trial before Ld. Railway Court Andheri, Mumbai.*
 - b. *C.C. No. 1527/SC/2024 u/s 138 of The Negotiable Instruments Act, 1881 that is pending adjudication before the Ld. 48th Metropolitan Magistrate Court, Andheri, Mumbai.*
 - c. *C.C. No. 1528/SC/2024 u/s 138 of The Negotiable Instruments Act, 1881 that is pending adjudication before the Ld. 48th Metropolitan Magistrate Court, Andheri, Mumbai.”*

7. Respondent No. 2 is present in Court. On being questioned, she re-iterates what is stated by her in her affidavit i.e. she has no objection for the quashing of the FIR/charge-sheet and proceeding initiated on her behalf as against the petitioner, in view of the amicable settlement between her and the petitioner. It is further stated in the affidavit that on conclusion of the aforesaid proceedings and another C.R. being C.R. No.870 of 2023, registered with the Amboli Police Station, Mumbai, the parties will be initiating appropriate divorce proceedings before the appropriate forum. Learned counsel for the respondent No. 2 has tendered a self attested photocopy of the aadhar card of the respondent No. 2. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has verified the aadhar card of the respondent No.2.

8. The dispute between the parties arises out of a marital discord. The parties have amicably settled their dispute.

9. Considering the nature of dispute, the amicable settlement between the parties, the affidavit filed by the respondent No.2 and having regard to the judicial pronouncements in this regard, there is no impediment in allowing the petition.

10. The petition is accordingly allowed and the FIR bearing C.R. No.119 of 2023 registered with the Oshiwara Police Station, Mumbai, for the alleged offences punishable under Sections 377, 323, 406, 498A, 504, 506 of the Indian Penal Code and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Andheri Railway Mobile Court, Andheri, Mumbai, being C.C. No.20/PW/2024, are quashed and set-aside.

11. Needless to state that, both the parties to abide by the undertakings given by them in their respective affidavits.

12. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

All concerned to act on the authenticated copy of this judgment.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.