

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

CRIMINAL WRIT PETITION NO. 1669 OF 2024

Arif Dukka S/O Abbas Dukka & Ors.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Mohammad I. Javed a/w. Majid Siddiqui for Petitioners.

Mr. S. V. Gavand, APP for State/Respondent.

Mr. Mukesh Pabari for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 24 FEBRUARY 2025

PC :

1. This is a petition for quashing of the F.I.R. registered vide C.R.No.78 of 2017 at Dindoshi Police station, Mumbai, on 31.01.2017, under section 354, 509, 504 and 506 r/w. 34 of the I.P.C. and the consequent proceedings pending before the Magistrate as the charge-sheet is already filed.

2. Heard Mr. Mohammad Javed, learned counsel for the Petitioners, Mr. Gavand. learned APP for the State and Mr. Mukesh Pabari, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2. She has described the incident dated 31.01.2017 which had taken place around 12.25p.m. On some petty issue and on some small property dispute the petitioners had quarreled with the Respondent No.2's mother. When the Respondent No.2 tried to intervene, the Petitioner No.1 pushed her. In the process, according to her, the petitioners committed the offence of outraging her modesty. On these allegations the F.I.R. was lodged. The charge-sheet contains the statement of the Respondent No.2's mother who had supported her allegations.

4. There was a cross case against the Respondent No.2 and her mother. It has resulted in the acquittal of the Respondent No.2 and her mother as the petitioners' side did not support the prosecution case. In short, the matter is settled between the parties. The cross case is disposed of, but the present case still remains. Both the parties have settled the matter.

5. The Respondent No.2 has filed her Affidavit giving her specific consent for quashing of the C.R.No.78 of 2017, registered at Dindoshi police station, Mumbai. She is present in the Court

along with her mother. Both of them are identified by the Respondent No.2's learned counsel. The allegations pertain to a property dispute. There is a possibility that, as a result of cross case these allegations are made. The Respondent No.2 and her mother have settled the dispute with the petitioners. The cross case is already disposed of. No purpose will be served in keeping this prosecution pending. Therefore, in the interest of justice, we are inclined to allow this petition.

6. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide C.R.No.78 of 2017 at Dindoshi Police station, Mumbai, on 31.01.2017, under section 354, 509, 504 and 506 r/w. 34 of the I.P.C. and the consequent proceedings No.2436/PW/2020 pending before the learned Metropolitan Magistrate, 67th Court, Borivali, are quashed and set aside.
- ii) The Writ Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)