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

CRIMINAL WRIT PETITION NO.2747 OF 2024

Nusrat Ashraf Shaikh & Ors. ... Petitioners
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Shane Illahi Turkey with Mr. Karim Pathan for the Petitioners.
Mr. Tanveer Khan APP for the Respondent-State.
Respondent No.2 in person present.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 3rd DECEMBER, 2025

PC:-

- 1) The Petition was filed for quashing of C.R. No.553 of 2023 registered with Shivaji Nagar police station invoking offence under Section 498A, 323, 504, 506 read with 34 of the I.P.C., with the subsequent charge-sheet being filed vide C.C. No.60/PW/2024 and pending before the Court of the Metropolitan Magistrate, 57th Court at Kurla, Mumbai.
- 2) Though, learned Counsel for Respondent No.2 is not present today, however, Respondent No.2 is present in person in the Court. Her identify is established through the Aadhar Card by learned Court Sheristedar. A photocopy of the same is placed on record before us.
- 3) The Counsel for the Petitioner would inform the Court that the

Consent Terms were executed between the parties out of their own free Will and placed before the 57th Court at Kurla, Mumbai in the Domestic Violence proceedings. The Consent Terms recorded that the parties had mutually agreed to dissolve their marriage by Mubaratnama (mutual divorce) in accordance with Muslim Personal Law and there was also consensus arrived to the effect that the Respondent shall pay a sum of Rs.3,50,000/- towards full and final settlement of the claims of the wife towards maintenance past, present and future and any other monetary benefit.

It was also agreed that the parties shall exchange and handover to each other forthwith all articles, belongings, valuables and other items.

4) The copy of the consent terms executed between the parties and placed before the 57th Court at Kurla, Mumbai are placed before us.

The Consent Terms also record the following :-

“.... 2. The Applicant undertakes to withdraw all cases instituted by her against the Respondent and his family members, including but not limited to :

(a) Domestic Violence Case bearing No.19/DV/2024, and

(b) Criminal Case bearing C.C. No.60/PW/2024,

and further undertakes not to initiate any fresh proceedings in respect of the same cause of action and for maintenance for herself or minor son Shahvez.”

5) In absence of the Counsel of Respondent No.2, the learned A.P.P. Shri Tanveer Khan when he enquired whether she has signed the Consent Terms and which has recorded that she shall withdraw all the cases instituted by the husband and his family members which include the present Criminal case, she confirmed to the terms which were placed before the Court before the Metropolitan Magistrate Court and she expressed her no objection in quashing present FIR resulting into a criminal case which is pending, for consideration. Hence, the following order :-

ORDER

- (i) The subject FIR bearing C.R. No.553 of 2023 registered at Shivaji Nagar police station for offence under Section 498-A, 323, 504, 506 and 34 of the I.P.C. and consequently C.C. No.60/PW/2024 pending before the learned Metropolitan Magistrate, 57th Court at Kurla, Mumbai is quashed and set aside.
- (ii) Petition is disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)