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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4521 OF 2024**

Abdul Karim Mainuddin Khan & Anr. ... Petitioners
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Jabbar Chopdar for the Petitioners.
Mr. S. R. Agarkar APP for Respondent No.1-State
Mr. Bajirao Shelke i/b Gurubala Birajdar for Respondent No.2.
Mr. Sanjay Gaonkar, PSI, Mankhurd police station present.

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

DATE : 22nd DECEMBER, 2025

ORDER : (PER SHYAM C. CHANDAK, J.)

- 1) Present Petition seeks quashing and setting aside of an FIR bearing C.R. No.884 of 2022 dated 01/11/2022 registered with Mankhurd Police Station under Sections 376, 377, 420, 328, 323, 504 read with 34 of the Indian Penal Code and the consequent charge-sheet bearing Sessions Case No.424 of 2023 pending before the Court of 41st Additional Sessions Judge, City Civil and Sessions Court, Mumbai.
- 2) Heard Mr.Chopdar, learned Counsel for the Petitioners, Mr.Agarkar, learned A.P.P for Respondent No.1-State, and Mr.Shelke, learned Counsel for Respondent No.2.

3) At the outset, the learned Counsel for the Petitioners submitted that, after filing of the present Petition the matter has been settled between the Petitioners and Respondent No.2. In view of the settlement, Respondent No.2 has no objection to quash and set aside the FIR and the Sessions Case. An Affidavit duly signed and affirmed to that effect by Respondent No.2, is produced by the learned Counsel for Respondent No.2. The Affidavit is taken on record.

4) The case of Respondent No.2 was that, in the year 2018, she and Petitioner No.1 got acquainted through social media. Gradually, a love relationship was established between them. Once, they had a physical relation in a hotel. However, Petitioner No.1 videographed that incident. Thereafter, Petitioner No.1 subjected Respondent No.2 to frequent natural and unnatural physical relations by threatening her that he would make the said videograph viral. Consequently, Respondent No.2 got pregnant. However, her request for marriage was rejected by Petitioner No.1. Thereafter, the Petitioners caused her to take certain pills, which resulted in the abortion of her pregnancy. Thereafter, upon warning by her that she will file a police complaint, Petitioner No.1 performed marriage with her on 10/02/2020 in Kurla Court. Then, he married with her as per the prevailing customs of Muslim community. After marriage, Respondent No.2 went to cohabit with the family of Petitioner No.1. On one occasion, Petitioner No.2

filed a report with Mankhurd Police Station alleging that his cash amount of Rs.4,00,000/- was stolen by Respondent No.2. When she refused to confess that theft, on 10/10/2021, Petitioner No.1 forcibly administered phenyl to her. Thereafter, Petitioner No.1 brought her to Mankhurd Police Station where she was arrested in the said crime. From time to time, Respondent No.2 had given a total amount of Rs.4,58,896/- to Petitioner No.1. Thus, Petitioner No.1 cheated her for the wrongful gain. Therefore, Respondent No.2 filed a complaint alleging the said offences. Consequently, the police registered the impugned FIR. Upon completion of the investigation, the charge-sheet came to be filed.

5) The learned Counsel for the Petitioners submitted that in view of the said settlement, there is no dispute between the Petitioners and Respondent No.2. At present, she has been residing with Petitioner No.1 and they are cohabiting happily. Her Affidavit mentions this fact. Therefore, she has no objection to quash and set aside the impugned FIR and the consequent Sessions Case No.424 of 2023. Respondent No.2 is present before the Court and is identified by her Counsel. She has stated that she has signed the Affidavit and affirmed its contents out of her free will. She has no objection to quash the FIR etc. Accordingly, in paragraph 4 of the Affidavit it is stated thus:

“4. That I state that I have amicably settled the matter with the

Petitioner No.1 and Petitioner No.2 and I have given my unconditional consent for quashing of the C.R. No.884 of 2023 filed under Sections 376, 377, 420, 328, 323, 504 r/w 34 of the Indian Penal Code registered with Mankhurd police station dated 01/11/2022 as well as the criminal case pending before the Ld. Additional Sessions Court, Mumbai bearing Session Case No.100424/2023.”

6) In the case of *Kapil Gupta vs. State (NCT of Delhi) and Another*¹, it has been held that though the Court should be slow in quashing proceedings involving heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there is sufficient evidence which if proved would lead to proving the charge for the alleged offence. The Court also has to take into consideration as to whether the settlement between the parties is going to result into harmony between them and improve their mutual relationship.

7) In the present case, the mutual settlement between the couple has not only put an end to the dispute between them but has also brought them together to lead their married life happily. In the wake of above, continuation of the prosecution arising out of the impugned FIR would not serve any purpose; rather, it will unnecessarily cause the Petitioners and Respondent No.2 to suffer emotionally, economically and socially.

1 (2022) 15 SCC 44

8) In that view of the matter, we find that, it would be appropriate to quash and set aside the proceedings arising out of the impugned FIR and the consequent Sessions Case No.424 of 2023, in the interest of justice. Thus, we are inclined to allow the Petition and pass the following order:

ORDER

- (i) Petition is allowed.
- (ii) The subject FIR bearing C.R. No.884 of 2022 registered with Mankhurd Police Station dated 01/11/2022 under Sections 376, 377, 420, 328, 323 and 504 read with 34 of the I.P.C. and Sessions Case No.424 of 2023 pending on the file of the learned 41st Additional Sessions Judge, City Civil and Sessions Judge, Mumbai against the Petitioners is quashed and set aside.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)