

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

CRIMINAL WRIT PETITION NO. 5369 OF 2024

Umar Siraj Ahmed Shaikh and Ors.

.... Petitioners

V/s.

The State of Maharashtra and anr.

.... Respondents

Adv. Mahenoor Khan a/w. Adv. Ali Nanji for the Petitioners.

Ms. Sangeeta Shinde, APP for the Respondent No.1 -State.

Mr. Abdul Wahab Shaikh a/w. Mohd. Zueb Qureshi, Mr. Mushtaq Shaikh and Mr. Abdullah Siddiqui for the Respondent No.2.

Mr. Anil Sonawane, API, Mumbra Police Station, present.

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

DATED : 23rd DECEMBER, 2025

P.C. :-

1) The marital discord between the Petitioner No.1 and the Respondent No.2 surfaced through the complaint filed by her with Mumbra Police Station, District Thane on 10/05/2024 resulting in registration of the FIR No.1299/2024 with Mumbra Police Station, Dist. Thane.

In the complaint so filed, accusations of her mental and physical harassment were levelled against her husband i.e., Petitioner No.1 along with his other relatives who were arraigned as Accused Nos.2 to 6. The subject FIR i.e., FIR No.1299/2024 invoke Section 323 read with 34 of the IPC along with Section 406, 498A, 504, 506 of IPC read with Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019.

2) Before the charge-sheet could be filed, consent terms were drawn between the parties and presented to the Sessions Judge at Thane in ABA No.956/2024, as the Respondent No.2 agreed to perform *Khula* as per the Muslim personal law and validate the *Khulanama* in the Family Court.

The consent terms presented before the Sessions Court, by the Respondent No.2, on 04/07/2024 recorded that both the parties shall withdraw all allegations, complaints, etc. against each other as they have finally settled the dispute. In addition, the husband agreed to pay Rs.6,25,000/- as permanent alimony and permanent maintenance to the wife in full and final settlement, in lieu of she waiving all her past, present and future rights and also waiving her right to claim any future maintenance from the husband.

Since it was categorically mentioned that apart from the proceedings in FIR filed with Mumbra Police Station, there were no other proceedings pending.

The Petition is accompanied with the said consent terms.

3) We are informed that the charge-sheet is not yet filed and today, when the Petition is called out, we have before us the affidavit of Respondent No.2 affirmed on 23/12/2025, wherein the Respondent No.2, with reference to the consent terms presented before the Sessions Court during the hearing of the Anticipatory Bail Application, make a categorical statement to the

following effect :-

“ 6. It is agreed by the Respondent and Applicant that apart from FIR No.1299 of 2024 filed with Mumbra Police Station by the Respondent mentioned above there are no other proceedings, complaints, FIR's, suits, etc.

7. That both the parties shall co-operate with each other in withdrawing all pending legal proceedings pending before all criminal and civil courts and before any other legal authorities, including police stations. Both the parties hereto agree that they will not initiate any further legal proceedings under any laws of land of India or any part of world, on execution of this Consent Terms. ”

4) The Respondent No.2 is present in the Court and the Counsel representing her, has identified her.

She has confirmed before us that the statement made in the affidavit, is without any coercion or undue influence and made out of her own will as she has already executed *Khulanama*.

5) In the wake of the settlement being arrived between the husband and wife and the marital discord has been put to an end, she even has no objection to quash the proceedings against the other accused persons.

6) Since we find that the discord being a marital discord and since the parties have amicably resolved the same, continuation of the proceedings against the Petitioners would amount to abuse of process of law and hence, in exercise of our jurisdiction under Section 482 of the Code of Criminal Procedure to prevent the abuse of process of Court and to secure the ends of

justice, we deem it appropriate to quash and set-aside the subject FIR i.e., FIR No.1299/2024 registered with Mumbra Police Station, Dist. Thane *qua* the Petitioners.

Petition is made absolute in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)

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JAYANI

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