

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

CRIMINAL WRIT PETITION NO. 5639 OF 2024

Mohd. Ibrahim Abdul Rahim Shaikh & Ors.Petitioners

Versus

The State of Maharashtra & Anr.Respondents

Ms. Feroza Anwar Shaikh, Advocate for the Petitioners.

Mr. B. V. Holambe-Patil, A.P.P. for the Respondent-State.

Mr. Shabbir A. Shora a/w Mubbasheera Shiakh, Advocate for Respondent No. 2.

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

DATE : 10th FEBRUARY 2025.

P.C.:-

1. This is a Petition for quashing of the proceedings arising out of F.I.R. being C.R. No. 428 of 2021 dated 15th May 2021 registered with Vakola Police Station, Mumbai for the offence punishable under Sections 498(A), 406, 323, 504 & 506 read with 34 of the Indian Penal Code, 1860 and the consequent proceedings arising out of the same.
2. Heard Ms. Feroza Anwar Shaikh, learned counsel for the Petitioners, Mr. B. V. Holambe-Patil, learned A.P.P. for the Respondent-State and Mr. Shabbir A. Shora, learned counsel for

Respondent No. 2.

3. The F.I.R. is lodged by Respondent No. 2. Petitioner No. 1 is her husband; Petitioner No. 2 is her mother-in-law and Petitioners No. 3 to 6 are her sisters-in-law. The F.I.R. mentions that she got married with Petitioner No. 1 on 29th November 2020. At that time, her parents had spent for the expenses and for the gold ornaments. Thereafter she started residing with Petitioners No. 1 & 2. Her sisters-in-law were married, but they used to visit the Respondent No. 2's matrimonial house quite frequently. Petitioner No. 1 was addicted to consumption of liquor and used to ill-treat her. They are allegations that they were demanding Rs. 20,00,000/- and on that count, they were assaulting and ill-treating her. On 15th March 2021, he had assaulted her, for which a separate F.I.R. was lodged, which is quashed by a separate order passed today in Criminal Writ Petition No. 5637 of 2024. On these allegations, the F.I.R. came to be lodged. The investigation is carried out and the charge-sheet is filed. The charge-sheet contains statements of the mother and cousin of the Informant. They have supported the prosecution story.

4. After all this, now the matter is settled between the parties. Respondent No. 2 has filed her Affidavit-in-reply. In her Affidavit, she has stated that it is in their mutual welfare and interest that they put an end to this acrimony and settled the dispute amicably. She has specifically given her no objection for quashing of the F.I.R. and further proceedings arising out of the same.
5. Respondent No. 2 is present in the Court. She is identified by her learned counsel. She reiterated the statements made in the Affidavit-in-reply. The dispute between the parties is purely personal in nature. Respondent No. 2 has given her specific consent for quashing of the proceedings. Therefore, there is no point in continuing with these proceedings. It would be an abuse of process of law. Therefore, we are inclined to allow this Petition.
6. Hence, the following order :-

ORDER

The F.I.R. being C.R. No. 428 of 2021 dated 15th May 2021 registered with Vakola Police Station, Mumbai for the offence punishable under Sections 498(A), 406, 323, 504

& 506 read with 34 of the Indian Penal Code, 1860 and the consequent proceedings arising out of the same, are quashed and set aside.

7. Petition is disposed of accordingly.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)

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KOTAWADEKAR

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