

Vina Khapde
(P.S.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 6092 OF 2024

Mohammed Shafi Abdul Naeem and anr .. Petitioners

Versus

The State of Maharashtra and anr. .. Respondents

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- Mr. Manoj Kumar Tiwari a/w Mr. Sejal Nalawade for the Petitioners.
- Smt. M.M. Deshmukh, APP for the Respondent – State.
- Ms. Anantika Nidhi for Respondent No.2.
- PSI R. Y. Ahire, Kurla Police Station present.

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

DATE : 4th FEBRUARY 2025

P.C.:

1. This Writ Petition is for quashing of Criminal Case No. 456/PW/2022 pending before the Judicial Magistrate First Class, 51st Court at Kurla, under Sections 498(A) read with Section 34 of the Indian Penal Code, 1860, arising out of the FIR registered vide C.R. No.582 of 2021 at Kurla Police Station, Mumbai on 15/10/2021.

2. The Petitioner no. 1 is the husband and the Petitioner No.2 is the mother-in-law of the Respondent No.2. The FIR mentions that Respondent No.2 got married with Petitioner No.1, and from 3/2/2019 she started residing with Petitioners at Chennai. The FIR thereafter goes on to mention that differences arose as there were frequent quarrels between the couple and also between the informant

and the Petitioner No.2. The couple had a son on 2/12/2019. There are allegations that the Petitioner No.1 never used to give money to the informant and her son. The Petitioner No.1 was addicted to liquor. Because of all this, the informant went in depression and even consumed phenyl on 8/2/2021, but she was saved. On 14/3/2021, the Petitioner No.1 tried to establish physical relations with the informant, as he was under influence of liquor. At that time, Respondent No.2 was not willing, and therefore there was a quarrel. From 15/3/2021, she started residing with her parents. In April 2021, on a couple of occasions, the Petitioner No.1 tried to take the informant and their son to Chennai but the informant refused, after that he abused and left them. On this basis, FIR was lodged.

3. The investigation was carried out and the chargesheet is filed. The chargesheet contains the statements of the parents, sister and uncle of the informant. Their statements are on similar lines to that of the FIR.

4. After all this, now the matter is settled between the parties. They have obtained divorce as well. The son is to remain in the custody of the Petitioner No.1. The informant / Respondent No.2 has filed an affidavit giving her consent for quashing of the FIR. It is specifically mentioned in paragraph 4 of the said affidavit that she was giving her free and voluntary consent to quash the present proceedings. The

informant is present before the Court. She is identified by her learned Counsel. The informant stated before the Court that she has no objection if the present proceedings are quashed and she also reiterated the statement made in the affidavit.

5. Considering that the dispute between the parties is purely personal in nature, no purpose will be served in continuation of the criminal prosecution in view of the settlement arrived at between the parties. Therefore we are inclined to allow the Petition. Hence, the following order :

ORDER

- (i) The proceedings pending in Criminal Case No. 456/PW/2022 before Judicial Magistrate, First Class, 51st Court at Kurla, under Sections 498(A) read with Section 34 of the Indian Penal Code, 1860, arising out of FIR registered vide C.R. No.582 of 2021 at Kurla Police Station, Mumbai, are quashed and set aside.
- (ii) Petition is disposed of.

[S.M. MODAK, J.]

[SARANG V. KOTWAL, J.]