

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

CRIMINAL APPLICATION NO.1482 OF 2024

Noorulhuda Fida Hussain Shaikh & Ors. Applicants

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Zuberuddin Qureshi i/b. Kalam Shaikh, Advocate for Applicants.
- Smt. M. H. Mhatre, APP for the State/Respondent.
- Mr. Jahangir Iqbal, Advocate for Respondent No.2.

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

DATE : 17th FEBRUARY, 2025

P.C. :

1. This is an application for quashing the FIR registered vide C.R. No.320 of 2024 on 18/07/2024 at Naya Nagar Police Station, u/s 115(2), 3(5), 316(2), 351(2), 352 and 85 of Bhartiya Nyay Sanhita (BNS), 2023.

2. Heard Mr. Zuberuddin Qureshi, learned Counsel for the Applicants, Mr. Jahangir Iqbal, learned counsel for the Respondent No.2 and Smt. M. H. Mhatre, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. She has stated that she got married with the Applicant No.1 on 08/11/2019. The other two Applicants are his parents. It is stated in the FIR that at the time of wedding, her parents had given her 25 Tolas gold ornaments and had given ornaments to the Applicants. They had also given two wheeler to the Applicant No.1. After marriage, she was residing with the Applicants and other family members. The FIR thereafter goes to mention different instances where she was ill-treated. The Applicant No.1 was demanding money from the informant's mother as he had taken a loan and he wanted to repay it. In March 2021, the husband and mother-in-law had beaten her. In July 2024, even she had tried to harm herself. Ultimately, from 17/07/2024 she was residing separately. The Respondent No.2 filed her affidavit-in-reply. She has given her specific no objection for quashing of the FIR. The FIR attached to this application mentions C.R.No.320 of 2024. However, in her affidavit she has mentioned C.R.No.455 of 2024. Learned counsel for the Applicant submitted that it is the number of online registration and the physical copy.

4. The Respondent No.2 is present in the Court. She submitted that she has filed only one FIR. Therefore, though her affidavit mentions C.R.No.455 of 2024, she has stated she has no objection for quashing of the FIR which she has lodged against the Applicant at Naya Nagar Police Station.

5. She is present in the Court and she is identified by her learned counsel. We requested learned APP Mrs. Mhatre to interview her, whether she was filing the affidavit under any pressure. After interacting with her, learned APP informed the court that it did not appear that there was any pressure on her. She was voluntarily giving her affidavit. Therefore, we have interviewed the Respondent No.2. She submitted that she has two daughters. One of the daughters is residing with the husband and the other daughter is residing with herself. She submitted that she is comfortable with this arrangement and has no grievance if that arrangement continues. She submitted that the daughter residing with Applicant No.1 is attached to the Applicant Nos.1 and 2 right from when she was born and

therefore she does not want to disturb the daughter residing with the Applicants. She however submitted that she wants commitment from the Applicants, so that she could meet that daughter atleast once a month. Accordingly, the Applicant No.1 has filed an affidavit before the Court, which is affirmed today. He is present in the Court and he is identified by his learned counsel. In that affidavit he has stated that the Respondent No.2 shall have the right to meet their daughter Suzain once a month for 12 hours and the Applicant No.1 will not raise any objection for the same and he shall co-operate for the same with the Respondent No.2.

6. The Respondent No.2 is satisfied with this affidavit. It is taken on record.

7. Thus, it is clear that the parties have settled the matter to the satisfaction of both the parties. The dispute was purely personal in nature. The society in general is not involved. Therefore, we do not find any impediment in allowing this application.

8. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R. No.320 of 2024 on 18/07/2024 at Naya Nagar Police Station and the further proceedings arising out of the said FIR, are quashed and set aside.
- (ii) The application is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)