

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4404 OF 2022

Bashir Ahmed Behari and Anr. ... Petitioners

V/s.

State of Maharashtra and Anr. ... Respondents

WITH
CRIMINAL WRIT PETITION NO. 216 OF 2025

Abdul Rehman Bashir Bheri ... Petitioner

V/s.

State of Maharashtra and Anr. ... Respondents

Mr. Ayush Pasbola, Mrunal Bhide I.by Gazala Dalvi, for the Petitioners.

Mr. Shadab Khopekar with Jahangir Iqbal, for the Respondent no. 2 in both Writ Petitions.

Mr. Y.M. Nakhwa, APP, for the Respondent / State in WP/4404/2022.

Mr. J.P. Yagnik, APP, for the Respondent / State in WP/216/2025.

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

DATE : 27TH FEBRUARY 2025.

PC:

1. Both these petitions are decided by a common order today because the subject matter of both these petitions is the same. Criminal Writ Petition No. 4404 of 2022 is already admitted. The Criminal Writ Petition No. 216 of 2025 is pending for admission. The petitioners in both these petition are seeking quashing of C.R. No. 571 of 2021

registered with Naya Nagar Police Station, Thane and RCC Case No. 3956 of 2021 pending before the 8th Jt. Civil Judge Junior Division and Judicial Magistrate First Class, Thane for the offences punishable under section 377, 498-A, 420, 323, 504 and 506 r/w. 34 of the Indian Penal Code. The FIR is lodged by the Respondent no. 2.

2. In Criminal Writ Petition No. 216 of 2025 the petitioner is her husband. The Petitioners in Criminal Writ Petition No. 4404 of 2022 are the husband's parents, brother and a family friend.

3. The FIR lodged by the Respondent no. 2 mentions that she got in touch with the petitioner Abdul in the year 2015 through a social networking site. Thereafter, they developed a close relationship. They also had physical relations. In October 2018, Ahmed informed his mother about their relationships. It is her case that both the families had given their consent for the marriage. In April 2019, the engagement took place in the presence of the husband, his mother and the Respondent no. 2's family.

4. The FIR further mentions that during the period between 2015 and 2021, Ahmed had obtained around Rs.10,00,000/- from the Respondent no. 2 citing financial difficulty. It is her case that, on 2nd April 2021, the Respondent no. 2 got married with the petitioner Abdul at Gulistan Masjid, Mira Road, Thane. The marriage was attended by her family and by Abdul's cousin brother. The petitioner Abdul told her that he would inform about their marriage to his family within a week but he did not inform his family. Instead, they came to know about the marriage when they saw the photographs of the marriage on the social networking site. The petitioner Abdul then told the Respondent no. 2

that it was not possible to co-habit with her and he had planned to give divorce to her.

5. In September 2021, the mother-in-law told her that she was accepting her as a daughter-in-law. The Respondent no. 2's mother asked the petitioner Abdul to take the Respondent no. 2 with him. Abdul took her to a hotel. Both of them stayed there for about 5 days. It is her case that he took some objectionable photographs and gave threats to make them viral. After that, he left her and blocked her mobile number. On this basis, the FIR is lodged.

6. The investigation is over and the charge-sheet is filed. The charge-sheet contains the statements of Respondent no. 2's parents. They supported her case. After all this, the matter is settled between the parties and the Respondent no. 2 has filed affidavit of consent before the Court wherein she has specifically recorded her consent for quashing of the proceedings. She is present in the Court and she is identified by her learned counsel. She stated before the Court that she was supporting the averments in her affidavit and that she was giving specific no objection for quashing of the proceedings. She further submitted that the petitioner Abdul has not misused those photographs. His mobile phone is already seized by the police officers during the investigation and she has no grievance in respect of those photographs. She stated that the matter is settled between the parties.

7. We have considered these submissions. The dispute between the parties is purely personal in nature. The parties have decided to settle their disputes and live their respective lives peacefully. Therefore, in the interest of both the parties we are inclined to allow

these petitions. Hence, the following order.

ORDER

- i) The Criminal Writ Petitions are allowed.
 - ii) The F.I.R. No. 571 of 2021 registered with Naya Nagar Police Station, Thane and RCC Case No. 3956 of 2021 pending before the 8th Jt. Civil Judge Junior Division and Judicial Magistrate First Class, Thane are quashed and set aside.
8. Accordingly, the Criminal Writ Petitions are disposed of.

(S.M. MODAK, J)

(SARANG V. KOTWAL, J)