

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (A.P.L.) NO. 104 OF 2025**

Mushir Mehmood Alam Ansari

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Maaz Ansari for Applicant.

Smt. Prajakta P. Shinde, A.P.P. for Respondent No.1-State.

Ms. Vidhya Shet for Respondent No.2.

Respondent No.2 is present in person.

Mr. Mininath Walekar, Dongri Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.****DATE : 5th August 2025.****P.C. :**

1) By this Application under Section 482 of the Criminal Procedure Code, (Cr.P.C.), the applicant, accused in Sessions Case No. 821 of 2020, pending on the file of learned Additional Sessions Judge (39th Court) Mumbai, arising out of C.R. No. 39 of 2020, dated 3rd March 2020, registered with Dongri Police Station, Mumbai, punishable under Sections 376-B and 315 of the Indian Penal Code (IPC), is seeking the relief of quashing of the said case, with the consent of Respondent No.2, the victim.

2) At the outset, it be noted here that, Respondent No.2 was the wife of the Applicant. As per their personal law, their marriage is dissolved on 19th July 2025 through Mubaratnama before the concerned Quazi of Darul Qaza at Mumbai.

3) Mr. Ansari, learned Advocate for the Applicant submitted that, the Applicant and Respondent No.2 have executed Consent Terms dated 14th January 2025 in C.C. No. DV/55/2020 along with C.C. No. 505/PW/2021, before the learned Metropolitan Magistrate (70th Court), Mazgaon, Mumbai. That, in view of the said Consent Terms, Respondent No.2 is now giving her consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2.

4) Ms. Shet, learned Advocate appearing for Respondent No.2 submitted that, Respondent No.2 has already filed on record an Affidavit dated 1st August 2025. She submitted that, the pleadings in the said Affidavit are cryptic and therefore Respondent No.2 has affirmed fresh Affidavit dated 5th August 2025 before the Assistant Registrar of this Court. She tendered across the bar said Affidavit dated 5th August 2025. To the said Affidavit, the Consent Terms executed between the Applicant and Respondent No.2 dated 14th January 2025 and the Report of Mediation forwarded by the Judge Mediator dated 14th January 2025 are annexed. The Mubaratnama dated 19th July 2025, which is in Urdu vernacular language is also annexed as Exhibit-C to the said Affidavit. It is stated therein that, the Respondent No.2 has admitted the fact of amicable settlement between the parties. That, the Respondent No.2 is a practicing Advocate and due to these litigation, her professional career and mental health is getting disrupted. That, to avoid any disruption of peace and for stability, she has decided to pursue her professional carrier. That, she has

decided to forgive the Applicant and part ways from him, so that she can pursue her professional life effectively. In para No.5 thereof, it is stated that, Applicant and Respondent No.2 have therefore decided to settle their disputes amicably and have decided to part their ways by obtaining divorce as per the Islamic Law i.e. Talaq e Mubarat. In para No.10 thereof, it is stated that, the Respondent No.2 does not wish to proceed with the present crime and gives her consent by free will to quash the crime in question.

4.1) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 5th August 2025 and her 'No Objection' for quashing of the crime in question.

5) Perusal of First Information Report clearly reveals that and as noted earlier, the Applicant and Respondent No.2 were legally wedded as per their personal law. It is alleged that, when their relations were strained and during the period of their separation, the Respondent No.2 under some or other pretext, insisted her to accompany him and thereafter the crime under Section 376-B of the IPC was committed. It is further alleged that, due to the said relations in the month of January 2020, the Respondent No.2 was under mental pressure and subsequently she realized that, she got pregnant. Due to the threats advanced by the Applicant and the constant pressure exerted by him, the Respondent No.2 used to be under tremendous mental pressure, which ultimately led for termination of her pregnancy. It is the reason, Section 315 of the IPC is also applied to the present crime.

5.1) In the foregoing paragraphs, we have narrated the excerpts from the Affidavit of Respondent No.2 dated 5th August 2025. Perusal of the said Affidavit indicates that, said Affidavit is elaborate and the Respondent No.2 has given various reasons for giving consent for quashing of the crime in question. She has also stated that, after the Applicant realized his mistake and wrongdoings, he regretted his actions and apologized to the Respondent No.2 and therefore the Respondent No.2 has decided to forgive him and part her ways from him.

5.2) In view of the above facts, we are of the considered view that, the Sessions Case No. 821 of 2020, pending on the file of learned Additional Sessions Judge (39th Court) Mumbai, arising out of C.R. No. 39 of 2020, dated 3rd March 2020, registered with Dongri Police Station, Mumbai, deserves to be quashed in the interest of justice and is accordingly quashed.

6) Application is allowed in terms of prayer clauses (a) and (f).

7) As the offences involved in the present Application are under Section 376-B and Section 315 of the Indian Penal Code, we direct the Registrar (Judicial-I) to redact/conceal the name of Respondent No.2 from the Case Information System (C.I.S), the proceedings and/or any other Orders, which are being displayed on the official website of the High Court of Bombay, with immediate effect.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)