

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

CRIMINAL APPLICATION NO. 111 OF 2025

1. Firoz Mir Riyaz Mir Khan
 2. Mr. Riyaz Mir Hussain Khan
 3. Mrs. Nadira Riyaz Khan
 4. Mr. Nadeem Mir Khan
 5. Mrs. Nazia Mohammed Hamid Ansari
 6. Mrs. Nazma Parvez Khan
-Applicants

Versus

1. State of Maharashtra and
 2. Mrs. Afrin D/o Mumtaz Ahmed Khan
@ Afrin w/o Firoz Mir Khan
-Respondents

Mr. Ashrat A. Khan - Advocate for the Applicants.
Smt. M. H. Mhatre - APP for the Respondent-State.
Mr. N. J. Khan – Advocate for Respondent No. 2

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

DATE : 06th FEBRUARY 2025

P.C. :

1. This is an application for quashing of the F.I.R. registered

vide C.R. No. 61 of 2021 at Goregaon Police Station under Sections 498-A, 406, 504, 506, 323 read with 34 of the Indian Penal Code.

2. The investigation was carried out and the charge-sheet was filed. At the time of the filing of the charge-sheet, Section 377 of the Indian Penal Code was also added. The charge-sheet resulted in CC No. 6704497/PW/2023 before the Judicial Magistrate, First Class, 67th Court at Borivali, Mumbai. The prayer is made for quashing of the entire proceeding.

3. The F.I.R. is lodged by the Respondent No. 2. She has stated that she got married with the Applicant No. 1 on 20.05.2014. The Applicant Nos. 2 and 3 are the parents, Applicant No. 4 is the brother and the Applicant Nos. 5 and 6 are the sisters of the Applicant No. 1.

4. The F.I.R. mentions that the informant's father had spent for marriage expenses and for the gold ornaments. The F.I.R. further mentions different instances when all the Applicants allegedly harassed her, even when she was pregnant. She was blessed with two daughters. But when she was into her pregnancy, at that time she was not treated properly and even

at that time she was harassed. There are allegations of harassment was on demand of money.

5. On this basis, the F.I.R. is lodged. In the supplementary statement, she has made some further allegations against the mother-in-law and the brother-in-law about taking indecent photographs of the informant. The charge-sheet contains statements of the Parents of the informant which have supported her case.

6. After all this, the Parties have now settled the matter. The informant has separated from the Applicant No. 1. Her two daughters are staying with her. She has filed her affidavit. She has stated that all the differences and matrimonial disputes between the Parties have been amicably settled and therefore, no purpose will be served in continuing the proceeding. In paragraph no. 7, she has given her specific no objection for quashing of this proceeding. She is present in the Court, and she is identified by her learned Counsel. She has reiterated the statement made in the affidavit. She also added that she does not want to press the allegations of taking indecent photographs. There is no grievance against any of the

Applicants. She wants to live her separate life peacefully henceforth.

7. Considering the specific stand taken by the first informant. There is some doubt regarding the allegations about those photographs. Allegedly that incident has taken in place in the year 2014, whereas F.I.R. lodged in the year 2021. There is substance in the submission of both the learned Counsel that this is fit case for quashing in spite of all these allegations; and that the application can be allowed.

8. We have considered these submissions. The Respondent No. 2 in-person has insisted that the proceeding be quashed. Society at large is not involved. It is a private dispute between the informant and the Applicant. Therefore, we are inclined to allow this application. Hence, the following Order :-

ORDER

(i) The Criminal Application is allowed.

(ii) The F.I.R. registered against the present Applicants
vide C.R. No. 61 of 2021 at Goregaon Police
Station under Sections 498-A, 377, 504, 506, 323

read with 34 of the Indian Penal Code and consequent proceeding bearing C.C. No. 6704497/PW/2023, pending before JMFC, 67th Court, at Borivali, Mumbai are quashed and set aside.

9. Accordingly, Criminal Application is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)