

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION (APL) NO. 1050 OF 2025**

Mohammed Belal Fatayab Alam Shaikh and Ors. Applicants

V/s.

The State of Maharashtra and anr. Respondents

Mr. Himanshu Shinde for the Applicants.

Ms. Supriya Kak, APP for Respondent No.1 – State.

Ms. Krupali Khatate for Respondent No.2.

Mr. Dipak Thorat, PSI, Oshiwara Police Station, present.

**CORAM : SARANG V. KOTWAL AND
SHYAM C. CHANDAK, JJ.**

DATED : 13th OCTOBER, 2025

P.C. :-

. By this Application, the Applicants have prayed for quashing and setting aside of the C.C.No.1283/PW/2019 pending on the file of the learned Judicial Magistrate First Class, Railway Mobile Court, Andheri. The said case arises out of the FIR No.341 of 2017 dated 08/09/2017 registered at Oshiwara Police Station, Mumbai on the report filed by the Respondent No.2 against the Applicants for the alleged offences under Sections 498-A, 406, 504, 506 read with 34 of the Indian Penal Code, 1860.

2) Heard Mr. Himanshu Shinde, learned Counsel for the Applicants, Ms. Supriya Kak, learned APP for the Respondent No.1 – State and Ms. Krupali Khatate, learned Counsel for the Respondent No.2.

3) The Applicants are the husband, mother-in-law and sister-in-law of the Respondent No.2. Since the matter has been amicably settled between the parties, it is not necessary to refer to the allegations in the FIR

with detail. Briefly stated, the FIR states that the Applicant No.1 had got married with the Respondent No.2 on 29/06/2014. After the marriage, the Respondent No.2 went to cohabit with the Applicant No.1. However, there used to be constant quarrels between the couple on account of trifling matters, as Applicant No.1 was addicted to liquor and used to beat her. The Applicant No.1 was working in Dubai. Whenever he used to come to Mumbai, he was not spending time with her. When the Respondent No.2 used to complain about that, the Applicant No.1 and his parents used to abuse her. After the Respondent No.2 delivered her first child, the Applicant No.1 did not visit her to see the new born nor he took them home. Therefore, the maternal uncle of the Respondent No.2 reached her at her matrimonial home. Thereafter, when the Applicant No.1 came to Mumbai, the couple again involved in quarrel. At that time the Applicant No.1 mentioned about a particular woman and that, he would marry her. In June, 2017 there was a quarrel between the Applicant No.1 and Respondent No.2 on account of the former talking with some girl on a video call. During that quarrel, the Applicant No.1 abused and assaulted her. In September 2017 also a quarrel had occurred on account of a similar phone call. Therefore, the Respondent No.2 had threatened the Applicant No.1 that she would commit suicide, and she also attempted so. However, she did not complain against the Applicants to the police, due to threats given by them. Yet, after her discharge from the hospital, the Applicants

abandoned her. In view of these allegations, the FIR was lodged. During investigation, police recorded the statements of the mother and brother of the Respondent No.2. They supported her case. Therefore, the charge-sheet came to be filed .

4) However, now the matter is amicably settled between the parties. Pursuant to the settlement, the Respondent No.2 has gone back to her matrimonial home. The Respondent No.2 is present before the Court. She is identified by her learned Counsel. She states that the Applicants are treating her properly and they are a happy family. Therefore, she has no objection to quash and set-aside the subject case. She has also filed her affidavit to that effect and reiterated its contents. The affidavit specifically mentions that the Respondent No.2 has no objection to quash and set-aside the present case. Thus, the parties have put an end to their dispute. In the backdrop, the proceedings arising out of the said FIR can be quashed and set-aside in the interest of justice and in the interest of parties. Therefore, we are inclined to allow this Application. Hence, the following Order :-

(a) The FIR registered at Oshiwara Police Station, Mumbai *vide* C.R.No.341/2017 dated 08/09/2017 under Sections 498-A, 406, 504, 506 read with 34 of the Indian Penal Code, 1860 and the consequent proceedings arising therefrom, are quashed and set-aside.

5) The Application is disposed of in aforesaid terms.

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(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)