



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION(ST) NO. 6790 OF 2024

Matin Ajij Khan ...Petitioner
Versus
The State Of Maharashtra And Anr ...Respondents

Mr.Sana Raees Khan, Mr. Aditya Parmar, Abhijeet Singh Advocate
for Petitioner.

Mr. A. S. Shalgaonkar, APP for Respondent-State.

Ms. Ruchita Rajpurohit Advocate for Respondent No.2.

API Dipali B. Patil, Lonavala Police Station is present.

CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.

DATE : 27th MARCH 2024

P.C.:-

1. The petitioner is challenging the F.I.R. dated 3rd February 2024 registered with Lonavala Police Station, Pune Rural vide C.R. No.31 of 2024 for offences under Sections 328, 376, 376(2)(n) and 507 of Indian Penal Code, 1860. The FIR was registered at the instance of Respondent No.2.

2. Learned Advocates for petitioner and respondent No.2 have submitted that, the parties have resolved their differences. The relationship was of consensual nature. The complainant has no objection for quashing the impugned FIR.

3. The petitioner and Respondent No.2 are present in the Court. Respondent No.2 has verbally stated that she has no objection for quashing

the FIR. She is consenting for quashing the FIR without any coercion. She has filed affidavit of consent. She is present in the Court along with her brother.

4. In the affidavit filed by complainant it is stated that, in view of amicable settlement between her and the petitioner, she withdraw all her allegations ,made in the FIR and she has no objection for quashing FIR. She is making the affidavit out of free will without any pressure, undue influence or coercion. In paragraph 3 of the affidavit however it is stated that, petitioner's wife and mother has assured her of her safety and promised that the petitioner will not contact her or harm her in any manner in future. In the light of averment made in paragraph 3 of the affidavit filed by complainant, the petitioner filed affidavit stating that, dispute between him and respondent No.2 has been amicably settled. With reference to clause 3 of the affidavit of complainant, it is stated that, neither he nor his family member would directly or indirectly contact complainant/respondent No.2. in the near future during the pendency of the case and after final order is passed in the present case. Neither petitioner nor his family member tried to harm complainant in any manner. Affidavit filed by complainant and petitioner No.1 are taken on record.

5. Learned APP submitted that in the FIR name of the complainant was stated as Hatunbi Mahamud Nagaraji and the name of complainant in the affidavit is mentioned as Khatunabi Mahamud Nagarji.

6. Investigating Officer is present in the Court. She has identified the complainant as the same person, who lodged the FIR. The complainant has produced copy of the Aadhar Card which mentions her name as Khatunabi Mahamud Nagarji. Apparently in FIR the name of complainant was wrongly recorded as Hatunabi.

7. Learned APP further submitted that, in the statement of the complainant recorded under Section 164 of Cr.P.C. it is stated that she was pressurized by the accused for withdrawing complaint.

8. Learned Advocate for petitioner submitted that, statement was made during the pendency of application for anticipatory bail. The complainant is present in the Court and she has no objection for quashing the FIR. As stated above, the complainant has asserted that she has no objection for quashing the FIR lodged by her against petitioner.

9. Considering the aforesaid circumstances and in the light of the nature of allegation reflected in the FIR and the settlement between the parties, the impugned FIR can be quashed.

ORDER

- (i) Criminal Writ Petition (ST) No. 6790 of 2024 is allowed;
- (ii) The impugned FIR dated 3rd February 2024 registered with Lonavala Police Station, Pune Rural vide C.R. No.31 of 2024 are quashed and set aside.
- (iii) The petitioner shall pay the cost of Rs.1,00,000/- to Advocates'

Association of Western India Generation Next within a period of four weeks from today and submit the receipt of the same in the Registry of this Court.

The details of the Bank Account for payment of costs are as under:-

Account Name : Advocates Association of Western India
Generation Next
Account Number : 000110110007807
Bank Name : Bank of India
Branch Name : Mumbai Main
IFSC Code : BKID0000001

(iv) Learned Advocate Ms.Rajpurohit undertakes to file vakalatnama on behalf of Respondent No.2.

(v) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)