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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2508 OF 2016

Mr. Rahil Patrawala and ors.

.. Petitioners

Vs.

State of Maharashtra and anr.

.. Respondent

Mr. P. D. Desai with Rupesh Mandhare i/by Viren Vashi for petitioners.

Mrs. M. M. Deshmukh, APP for State.

Ms. Yasmin Shaikh for respondent no.2.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

AUGUST 08, 2016.

P.C.

1. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. Petitioner No.1 and respondent no.2 got married on 19/12/2014 according to the Mohammedan Law. There arose certain disputes between the parties and, therefore, they decided to get separated. There is no issue out of said wedlock. The well wishers and family

members intervened and the parties decided to get separated.

3. Learned counsel appearing for the petitioners and respondent no.2 submitted that a Deed of Divorce by Khula Talaaq was signed by the petitioner no.1 and the respondent no.2 on 6/8/2016. Khula Talaaq was obtained by the parties, which has been endorsed in the shape of a certificate issued on the letter-head of Kazi, namely, Maulana Khalil-Ur-Rehman Noori. We have perused both these original documents shown to us during the course of hearing.

4. Respondent No. 2 tendered affidavit before us during the course of hearing. In paras 4 and 5 of the said affidavit she states as under:-

“4. I say that after registration of the said F.I.R., sincere efforts for reconciliation were made by elders of both families but despite their best efforts, the matrimonial disputes and misunderstanding between me and the Petitioner No.1 are not resolved and the Petitioner No.1 and I are residing separately. However in pursuance to the said efforts, I have settled my grievances out of court, and accordingly a Deed of Divorce (Khula Talak) was executed between me and the Petitioner

No.1, whereby I have agreed inter-alia not to pursue the said FIR lodged by me at Nagpada Police Station on 12.06.2016 being C.R. No. 165/2016.

5. I say that accordingly settlement talks were held between us and we decided to resolve the said misunderstanding in a peaceful and amicable manner.”

5. Petitioner No.1 and respondent no.2 are present in court. It is submitted that the brother of respondent no.2 is also present. Learned counsel appearing for the petitioners and respondent no.2 submit that in view of agreement and settlement arrived at by the parties, the criminal prosecution launched by the respondent no.2 and registered as FIR No.165 of 2016 with Nagpada Police Station, Mumbai be quashed and set aside. Learned APP submits that the investigation is going on and final report is yet to be filed.

6. We have perused of the record and considered the submissions advanced. In the facts, the request made by the parties requires consideration. Disputes arose out of misunderstanding. It is a matrimonial dispute. The parties desire to put an end to the same and they want to live a peaceful life.

7. FIR No. 165 of 2016 registered with Nagpada Police Station, Mumbai for offence punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code is hereby quashed and set aside. Rule is made absolute in the above terms.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL,J.)