

Rane

* 1/5 * WP-3209-2017 (SR. 904)
Thursday, 24.8.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3209 OF 2017

Mehraj Vazir Bagwan and Ors.Petitioners

V/s.

The State of Maharashtra and anr.Respondents

* * * * *

Mr. Ketan Joshi i/by. Ergo Juris, Advocate for the petitioners.

Mr. V.B. Kondedeshmukh, Additional Public Prosecutor for State, respondent no.1.

Ms. Kavita D. Totkekar, Advocate for respondent no.2.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

24TH AUGUST, 2017.

P.C. :-

1. In the above criminal writ petition, the

petitioners seek quashing of the FIR bearing No.I-425/2016 registered with Bhadrakali Police Station on 9th September, 2016 for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code, as also, the quashing of the chargesheet being No. 6707/2017. The said FIR has been lodged on account of the matrimonial dispute between the petitioner no.1 and the respondent no.2 who were husband and wife. The parties have settled their dispute amicably, as a consequence, of which they have agreed to dissolve their marriage and in respect of which a Talaknama has been executed on 21st August, 2017 before the Kazi. In the Talaknama, the factum of the amount of Rs.5,001/- being paid as "Meher" and an amount of Rs.2,50,000/- being paid as "Iddat" etc. has been mentioned. It has further been mentioned that, the respondent no.2 has received all the things which she had received in the marriage from her parents. Respondent no.2 is the First Informant and also filed her Affidavit

bearing yesterday's date i.e. 22nd August, 2017. In the context of the relief sought in the present petition, para-4 of the said Affidavit is material and is reproduced herein under :-

“4. I say and submit that I have no objection if the present petition is allowed and FIR No.I-425/2016 registered at Bhadrakali Police Station on 9.9.2016 along with the chargesheet is quashed and set aside by the order of this Hon'ble Court.”

2. The Talaknama and the Affidavit filed by the respondent no.2 dated 22nd August, 2017 therefore *ex-facie* disclose that the parties have amicably settled their dispute. Respondent no.2 is personally present in the Court. She is identified by her Learned Counsel, Miss. Kavita D. Totkekar. She is also identified by her Aadhar Card bearing No. 3193 7822 1769. When put in the box and queried, she accepts the fact that the Talaknama has been executed between the parties. She further accepts that, the Affidavit annexed to the above petition and

which is dated 22nd August, 2017 is hers and that she has signed the said Affidavit out of her own free will and volition. The petitioner no.1 is also personally present in Court. He is identified by his Learned Counsel, Mr. Joshi. He is also identified by his Aadhar Card bearing No. 8940 3240 6578. When put in the box and queried, he accepts the fact that the Talaknama has been executed between the parties and the dispute has been amicably settled between them.

3. In the light of the aforesaid facts and having regard to the judgments of the Apex Court in the case of **Gian Singh v/s. State of Punjab, reported in (2012) 10 SCC 303** and **Narinder Singh V/s. State of Punjab, reported in (2014) 6 SCC 466**, no useful purpose would be served by keeping the proceedings pending. Hence, there is now no impediment in quashing the proceedings, the above petition is accordingly allowed and made absolute in terms of prayer clause (a). The petition accordingly to stand disposed of.

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4. The photocopy of the Talaknama dated 21st August, 2017 is taken on record and marked as 'X' for identification.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)