

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 879 OF 2017**

Ismail Hakimuddin Shaikh & Ors

..Applicants

Vs.

State of Maharashtra & Anr

..Respondents

Mr. S. D. Pandey for the Applicants

Mr. J. S. Pandey for the Respondent No.2

Mrs. M. M. Deshmukh Addl P. P. for State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ**

DATE : 28th AUGUST, 2017

P.C.

1 By the above Criminal Application, the Applicants seek quashing of the FIR No.170 of 2017 registered with Kherwadi Police Station for offences punishable under Section 498A, 406, 504, 323, 34 of the Indian Penal Code. The said FIR came to be registered on account of the matrimonial dispute between the parties. The parties have resolved their said disputes and have dissolved their marriage by Talaqnama dated 29-7-2017 executed before the Qazi Maulana Mohd. Moosa Qazi. A copy of the said Talaqnama is at page 17 of the above Criminal Application.

2 The Learned Counsel for the Respondent No.2 tendered an affidavit bearing today's date affirmed before this Court. In the context of the relief sought in the above Criminal Application, paragraph 4 of the said

affidavit is relevant and is reproduced hereinunder:

4. I state that I am executing this affidavit with my own will and consent without any due coercion, force from the applicants or any body else in order to produce the same before the Hon'ble High Court in the bove referred application to enable this Hon'ble High Court to quash the C. R. No.170 of 2017 registered by Kherwadi Police Station for offence punishable under Section 498A, 406, 506, 504, 323, 34 of I.P.C. Against the Applicants.

3 Hence reading of the Talaqnama dated 29-7-2017 and the affidavit dated 28-8-2017 disclose that the parties have amicably resolved their dispute. The Respondent No.2 is personally present in Court. She is identified by the Learned Counsel Mr. J. S. Pandey. She is also identified by her Adhar Card No. 628809371436. When put in the box and queried, she states that she has read and understood the affidavit dated 28-8-2017 and she also accepts the contents thereof. She states that she has signed the affidavit of her own free will and volition.

4 Hence in the light of the Talaqnama dated 29-7-2017, affidavit dated 28-8-2017 and having regard to the law laid down by the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr**², there is no impediment in allowing the

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065

above Criminal Application, the same is accordingly allowed in terms of prayer clause (a). The Criminal Application is accordingly disposed of.

5 The Learned Counsel Mr. J. S. Pandey undertakes to file vakalatnama within the course of the present week. Undertaking accepted.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]