

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 4246 OF 2017

Mrs. Anisha Ismail Shaikh ... Petitioner
Vs
1. Sabeer Sayyed Khaleeli & Anr. ... Respondents

Ms. Anisha Ismail Shaikh, the Petitioner present in person.

Mrs. M.H. Mhatre, APP, for the Respondent-State No.2.

***CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.***

MONDAY, 27TH NOVEMBER, 2017

P.C. :

1 The petitioner is the mother of the child at whose instance an FIR was registered at the Oshiwara Police Station.

2 It is stated that the child is now handed over to the petitioner by the father, namely, Respondent No.1 to this petition voluntarily of his own and that he has stated on affidavit. The affidavit, which was filed in pursuance of our order, is taken on record. The father of the child is present in Court and equally the mother-petitioner.

3 Both have stated that as far as the custody of the child is concerned, the matter has been amicably resolved as between them. The custody of the child will be with the mother and the mother is free to take the child along with her abroad.

4 The father states that the affidavit has been filed by him after understanding all the legal consequences and implications. There is no pressure or force of any kind. The affidavit, therefore, is not tainted by fraud or is contravening the public policy.

5 In these circumstances and the dispute being entirely private in nature, we proceed to dispose of this petition as not pressed, but by recording the further statement of the petitioner that she does not wish to continue the criminal prosecution No.356 of 2017, lodged at the Oshiwara Police Station, Mumbai, alleging offences punishable under sections 452, 363, 35, 504 r/w 34 IPC. In the circumstances, this FIR stands quashed at the instance of the complainant-petitioner.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.