

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

WRIT PETITION NO.4318 OF 2017

Tanveer Shoiab Shaikh and ors. ... Petitioners

V/s.

The State of Maharashtra and anr. ... Respondents

Mr.Faisal Vora i/by M/s A & A Legal for the Petitioners.

Dr.F.R.Shaikh, APP for Respondent No.1-State.

**CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.**

DATE : DECEMBER 18, 2017.

P.C.(PER NITIN W. SAMBRE,J.) :

. At the behest of complainant/respondent No.2, Crime No. 438 of 2014 for an offence punishable under Sections 498-A, 323,504, 506 r/w 34 of the Indian Penal Code is registered against the petitioners on December 9, 2014 and petitioners are already charge-sheeted.

2. The respondent No.2 to the present petition is married to petitioner No.1-Tanveer on October 14, 2014 and out of matrimonial discord the complaint at the behest of respondent

No.2 has resulted into registration of the crime.

3. The petitioner No.1 and respondent No. 2-complainant have already entered into a Khula Nama, which is placed on record at Ex.B. As consequences, the petitioner and respondent No. 2 are residing separately.

4. The respondent No.2 alongwith her brother is present in the court and has personally addressed on the basis of consent affidavit tendered before court. According to her, she has studied upto English Graduate level and has understood the consequences of what has been written in the affidavit. She submits that she voluntarily consents for quashing of the prosecution initiated against the petitioners.

5. The learned APP submits that as the proceedings are arising out of matrimonial discord, this court may pass appropriate order in the matter, in the facts and circumstances of the case.

6. In view of law laid down by the Apex Court in the matter of

Narindersingh Vs. State of Punjab and others reported in **2014 AIR SCW 2065** particularly paragraph No. 31, this court having satisfied that a case for quashing by consent is made out order that the prosecution initiated against the petitioners vide Crime No. 438 of 2014 pending on the file of the concerned Metropolitan Magistrate is hereby quashed. The present Writ Petition stands disposed of, as allowed.

(NITIN W. SAMBRE, J.)

(NARESH H. PATIL, J.)

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