

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 820/2017

(MOHD.ARIF MOHD.BASHIT & ANOTHER **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.A. Syed, counsel for the petitioners.
Shri S.S. Doifode, A.P.P. for the respondents.

CORAM : SMT. VASANTI A NAIK AND
M.G. GIRATKAR, JJ.

DATE : SEPTEMBER 22, 2017.

On the previous date of hearing, the learned counsel for the petitioners had stated that the petitioners did not want to press the criminal writ petition as the petitioners were residing happily after their nikah was performed.

It was, however, stated on behalf of the respondents by Shri Doifode, the learned Additional Public Prosecutor that the police only wanted to record the statement of the petitioner no.2 as her parents had made a complaint that she was forcibly removed by the petitioner no.1 and his family members and she was not residing with the petitioner no.1 with her free will.

In view of the statement made by the learned Additional Public Prosecutor, we had asked the learned Additional Public Prosecutor to speak to the petitioner no.2 on WhatsApp Video Call in the presence of Shri Sayyad A. Ibrahim, API, Imambada Police Station so that the statement of the petitioner no.2 could be recorded. On 18.09.2017, with the assistance of the counsel for the petitioners, the learned Additional Public Prosecutor and A.P.I. Shri Ibrahim

were able to record the statement of the petitioner no.1 and the petitioner no.2. The case papers are produced before this Court by the learned Additional Public Prosecutor, today. It appears from the statements of the petitioner no.1 and the petitioner no.2 that the petitioner no.2 had performed nikah with the petitioner no.1 with her free will. She has mentioned in her statement that she is five months pregnant and she is happy and safe in the company of the petitioner no.1. She has further stated that she is not desirous of coming to Nagpur and meet her parents and other relatives as she does not wish to be harassed by them. From the statements of the petitioner no.2, it could be gathered that the petitioners have married and the petitioner no.1 has joined the training after he is selected for appointment in the police force. He has made a statement that he would be joining his duties at the place of his posting, viz. Mumbai.

The learned Additional Public Prosecutor has stated that though before talking to the petitioner no.1 and the petitioner no.2 on the WhatsApp Video Call, the police had asked the parents of the petitioner no.2 to remain present at the time of conversing with the petitioner nos.1 and 2 on WhatsApp Video Call, they had declined to remain present. It is further stated that it did not appear from the expressions of the petitioner no.2 that she was forcibly removed from the company of her parents by the petitioner no.1.

In the aforesaid set of facts, since the petition was filed only to prevent the alleged harassment of the relatives of the petitioner no.1 at the behest of the respondents with a view to search the petitioner no.2 and since on one of the previous dates of hearing, it was informed to this Court by the

learned Additional Public Prosecutor that the respondents do not intend to trouble or harass either the petitioners or any other members of the petitioner no.1's family and the efforts were made only to record the statements of the petitioner no.2, the petitioners have sought to withdraw the criminal writ petition.

As the statements of the petitioners are recorded, as desired by the respondents and since the petitioners are not desirous of prosecuting the criminal writ petition in view of the assurance from the respondents that they would not take any action against the petitioner no.1 or the relatives of the petitioner no.1 as the petitioner no.2 has left the company of her parents with her free will, we dispose of the criminal writ petition with no order as to costs.

JUDGE

JUDGE

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