

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

CRIMINAL WRIT PETITION NO.1086 OF 2018

Isaq Salimoddin Shaikh and ors. : Petitioners.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. J D Khairnar for the Petitioners.
Mrs. P P Shinde, APP for the Respondent/State.
Mr. G C Jhaveri i/by Mr. Amey Deshpande for the Respondent No.2.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 06th APRIL 2018

P.C.

1 The above Writ Petition has been filed for quashing of the proceedings being RCC No.986 of 2013 pending on the file of the learned JMFC – 7, Nashik,. The said case is arising out of the FIR being C.R.No.I-394 of 2011 registered with the Ambad Police Station, Nashik for the offences punishable under Sections 498A, 406, 323, 504, 506, r/w 34 of the Indian Penal Code. The said FIR has arisen out of the matrimonial dispute between the Petitioner No.1 and the Respondent No.2 who are husband and wife.

2 It is not necessary to dilate further on facts. The Respondent No.2 herein i.e. the first informant has filed her affidavit sworn before the Notary Mrs. Aliya N Pathan today i.e. on 06/04/2018. In the context of the relief sought in the above Writ Petition, paragraphs 8 and 9 of the said affidavit are material and are reproduced herein under :-

“8 I also state that I have cordial relations with the applicants and the FIR was lodged at the instance of my father at that moment out of rage and now that the issues are already amicably settled therefore no purpose will be served if the case is continued.

9 If required, I shall remain present before the High Court to state that I have consented for quashing of this FIR and that I have no objection if the said FIR and its related proceedings is/are quashed and set aside by this Honourable Court.”

3 The Respondent No.2 – Naziya Isaq Shaikh is personally present in Court. She is identified by the learned counsel Shri G C Jhaveri. She is also identified by her Aadhar Card bearing No.265385590473. When put in the box and queried she states that she has read and understood the contents of the affidavit which is tendered across the Bar today. She further states that the contents of the said affidavit are acceptable to her and that she has signed the said affidavit of her own free will and volition.

4 The Petitioner No.1 – Isaq Salimoddin Shaikh is also personally present in Court. He is identified by the learned counsel Shri J D Khairnar. He is also identified by his Aadhar Card bearing No.990771313775. When put in the box and queried, he accepts the factum of settlement having taken place between him and the Respondent No.2 who is his wife.

5 Hence the affidavit of the Respondent No.2 and the statements

made by the Petitioner No.1 and the Respondent No.2 when put in the box and queried unequivocally indicate that the parties have settled their dispute amicably as a consequence of which the Respondent No.2 does not desire to proceed with the case in question.

6 Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s State of Punjab & Anr reported in (2012) 10 SCC 303 and Narinder Singh & ors v/s. State of Punjab & Anr reported in 2014 AIR SCW 2065, no useful purpose would be served in keeping the proceedings pending.

8 The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (b). The Petitioners to deposit costs of Rs.5,000/- with the State Legal Aid Fund within 6 weeks. Receipt to be obtained and filed in the Registry. The above Criminal Writ Petition is accordingly disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]