

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

CRIMINAL WRIT PETITION NO.3640 OF 2017

Mr. Nizamuddin Shaikh

..Petitioner

Versus

The State of Maharashtra and another

..Respondents

Ms. Rebecca Dias i/by Maharashtra Legal Associates, Advocate for the Petitioner.

Mrs. S. V. Sonawane, APP for Respondent No.1.

Mr. Waquar Ahmed, Advocate for Respondent No.2.

**CORAM : B. R. GAVAI &
B. P. COLABAWALLA, JJ.
DATE : 15th JANUARY, 2018**

PC.

1] Rule. Rule made returnable forthwith. Heard by consent.

2] The Petitioner has approached this Court praying for quashing and setting aside the charge-sheet filed in RCC No.1101/PW of 2015 registered with Borivali Police Station, Mumbai and the consequential proceedings.

3] The Petitioner and Respondent No.2 were married to each other on 6th May 2011. After said marriage, the Petitioner and Respondent No.2 also performed Nikaah as per Muslim tradition on 11th July 2011.

4] However, it appears that soon after the marriage, differences arose between the Petitioner and Respondent No.2. Out of said wedlock, the child namely Rehaan born to the couple. However, even after the birth of child, the differences did not come to an end, on the contrary they went out of proportion.

5] It appears that on account of the marital discord, Respondent No.2 lodged FIR against the present Petitioner for the offence punishable under Section 498-A with allied offences.

6] After the investigation, a charge-sheet came to be filed and the matter is pending before the competent Court.

7] However, during the pendency of the proceedings, the matter has been amicably settled between the parties and have given an end to the investigation. It appears that in Petition No.A-366 of 2014. The parties have also obtained a decree for dissolution of their marriage by mutual consent. The various terms and conditions have also been settled. It has been agreed that though the custody of the child is with the Respondent No.2, the Petitioner shall have visitation rights. The parties shall have no right, title and interest over the property of each other at present or in future have also been recorded.

8] The Apex Court in the case of **B. S. Joshi and others Vs. State of Haryana and another** reported in **(2003) 4 SCC 675** has held that if the parties have settled their marital dispute, this Court has powers under Section 482 to give end to the criminal proceedings. Rule is made absolute in terms of prayer clause (a).

9] The respective undertakings are treated as undertakings to this Court and accepted. Needless to state that all consequential action shall follow.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]