

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 5390 OF 2017

Mr. Mohammed Iqbal Chaudhary ..Petitioner

Vs.

Commissioner of Police and Others ..Respondents

Mr. Sayyed Kaazi, for the Petitioner.

Mrs. M. M. Deshmukh, APP, for Respondent Nos. 1 to 4 and 6 State.

Mr. Virendra Ichalkarnjekar, for Respondent No. 5.

CORAM:-B.R.GAVAI & B. P. COLABAWALLA, JJ.

DATE :- FEBRUARY 23, 2018.

P. C.:

The present petition has been filed by the Petitioner seeking a direction to the Respondents to produce the Petitioner's wife namely Reshma Mohammed Iqbal Choudhry.

2 In pursuance to the order passed by the Vacation Judge dated 28th December, 2017, the said Reshma had appeared before us on 22nd January, 2018. She has stated that she had gone on her own along with her parents to Mangalore and for some time she would like to continue with her parents. As such, we had kept the matter on 7th February, 2018. On that date she had stated that

she would like to go along with her husband. She had however stated that the marriage was not registered and further that on account of the FIR being lodged at the instance of the Petitioner, her parents and other relatives were being unnecessarily harassed.

3 In that view of the matter, we had adjourned the matter so as to enable the parties to get the marriage registered.

4 Today when the matter is called out, the Petitioner as well as said Reshma personally present in Court. They have placed on record a marriage certificate issued by the Municipal Corporation of Greater Mumbai.

5 In that view of the matter, the purpose of present Habeas Corpus Petition shall stand sort out.

6 However, it is to be noted that on account of the misunderstanding between the parties the First Information Report being FIR No. 0457 dated 17th December, 2017 came to be registered at the instance of the present Petitioner at Vashi Police Station. As already submitted herein-above, it is the submission of said Reshma that on account of registration of said FIR, her

parents and the other relatives are being unnecessarily harassed. The Petitioner who is personally present in Court also has no objection for quashing and setting aside the said FIR.

7 We are also of the considered view that continuation of the said criminal proceeding would unnecessarily come in the way of peaceful relationship of the Petitioner and his wife.

8 In that view of the matter, we find that in view of the law laid down by the Apex Court in the case of **B. S. Joshi and Others v/s State of Haryana and Another reported in (2003) 4 SCC 675**, it would be in the interest of justice to give an end to the criminal proceeding.

9 In that view of the matter, by consent of the Petitioner, FIR No. 0457 lodged on 17th December, 2017 at Vashi Police Station is quashed and set aside.

10 The Petition stands disposed of.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)