

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 351 OF 2018
IN
WRIT PETITION NO. 3730 OF 2016

Simran Kaur Kushmeet Singh Sahni. ..Applicant.

Versus

State of Maharashtra & Others. ..Respondents.

Ms. T. F. Irani for the Applicant.

Mr. Amanjhot Anand I/b H. S.Anand & Associates for Respondent No. 2.

Mrs. A. S. Pai, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **April 30, 2019.**

P. C. :

1. Heard. The Applicant, who is original Respondent No.2 has filed this application for modification of the order dated 5th July 2017 passed in above writ petition to the extent it permits the Applicant herein to withdraw an amount of Rs.30 lakh along with interest accrued thereon in her maiden name – Sirman Kaur Chadha.

2. The above writ petition was filed by Respondent No. 2 to 7 herein for quashing and setting aside the FIR bearing CR. No. 439 of 2016 registered with Oshiwara Police Station for the offence punishable under sections 498A, 323, 342, 406, 506-II, 504, 506, 354 read with 34 of the Indian Penal Code, 1860. By consent of the parties

we have quashed the said FIR by the order dated 5th July 2017. The present applicant was also granted liberty to apply to the Registry for withdrawal of the amount of Rs. 30 lakh deposited by Respondent No. 2 along with interest accrued thereon. Today, it was informed that the parties have obtained divorce by mutual consent. Thereafter, the Applicant applied to the Registry for withdrawal of the amount of Rs. 30 lakh in terms of the order dated 5th July 2017. In order enable the Registry to issue the cheque of the said amount, the Applicant submitted details of her Savings Bank Account, which is in her maiden name - Sirman Kaur Chadha. The learned counsel for the Applicant submitted that Registry has refused her request to issue cheque in any another name than given in the cause title of the petition. Hence, the present application.

3. There is no dispute that maiden name of the Applicant is Sirman Kaur Chadha. The learned counsel for Respondent No.2 – original Petitioner No.2 has fairly stated that he has no objection if the Applicant is allowed to withdraw the amount in her maiden name. Further there is no dispute about the identity of Applicant. The entitlement of the Applicant to receive the said amount of Rs. 30 lakh pursuant to the order dated 5th July 2017 is also not in dispute.

4. In above circumstances, we allow this application in

terms of prayer clause (a). The order dated 5th July 2017 is modified. The Applicant is permitted to approach the Registry for withdrawal of the amount of Rs.30 lakh deposited by Respondent No.2 in maiden name of the Applicant. The accrued interest too be given to the Applicant. Application stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]