

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

CRIMINAL WRIT PETITION NO. 856 OF 2022

Roshan Abutalib Mulla and Anr. ... Petitioners

Versus

The State of Maharashtra and Anr. ... Respondents

Mr. Javed R. Patel, for the Petitioners.

Mrs. S. D. Shinde, APP for the Respondent No.1 – State.

Ms. Ujwala Sawant, for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 21st SEPTEMBER, 2022.

P. C. :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Ms. Ujwala Sawant waives notice on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing of the FIR bearing C.R. No.I-80 of 2018 registered with the Khargar Police Station, Navi Mumbai, as against the petitioners, for the alleged

offences punishable under Sections 498-A, 323, 504 r/w 34 of the Indian Penal Code.

2 Perused the papers. The petitioner No.1 is the husband and the petitioner No.2 is the mother-in-law of the respondent No.2 respectively.

3 It appears that the petitioner No.1 and respondent No.2 got married on 28th November, 2015, at Mumbra as per Islamic rites and rituals. It appears that the marriage is an outcome of a love affair. It appears that soon thereafter disputes arose between the parties, pursuant to which, the respondent No.2 lodged the FIR on 29th December, 2017 vide CR No. 00/2017 with Nalasopara Police Station, which was transferred subsequently to the Kharghar Police Station, Navi Mumbai and re-numbered as CR No. I-80 of 2018. After completion of investigation, charge-sheet was filed as against the petitioner and presently, the case bearing RCC No. 153 of 2018 is pending before the learned Judicial Magistrate, First Class at Panvel.

4 Learned Counsel for the respondent No.2 states that the parties are divorced and that the respondent No.2 has accepted the said divorce.

5 Learned Counsel for the respondent No.2 has tendered an affidavit of respondent No.2 dated 21st September, 2022 duly affirmed before the Notary. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that she has settled the dispute amicably with the petitioners and that she and petitioner No.1 have decided to end their matrimonial dispute and get divorced as per the Islamic Law. She has further stated in para 7 of the affidavit that she and the petitioner No.1 have also filed Consent Terms in P.W.D.V. Application No.10 of 2018 before the 4th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, at Vasai. She has further stated that she has received all the articles, *meher* in the form of gold and Rs.2,50,000/- by way of full and final settlement. In para 11, respondent No. 2 has given her no objection for quashing of the proceeding arising from the C.R. thereto, i.e. proceeding pending before the Judicial Magistrate, First Class, Panvel being RCC No. 153 of 2019 arising from C.R. No. I-

80 of 2018 registered with Kharghar Police Station, Navi Mumbai.

6 Respondent No. 2 is present in-person in the Court. Respondent No.2 is identified by her advocate. Learned counsel for the respondent No. 2 has tendered a self attested xerox copy of the Aadhar card of the respondent No. 2. The same is taken on record. On questioning, she re-iterates what is stated by her in her affidavit that she has no objection for quashing of the FIR bearing C.R. No.I-80 of 2018 registered with the Kharghar Police Station, Panvel and proceeding arising therefrom.

7 Considering the nature of dispute, the amicable settlement between them, the divorce taken place between them, and the judicial pronouncements in this regard, there is no impediment in allowing the petition.

8 The petition is accordingly allowed and the FIR bearing C.R. No. I-80 registered with the Kharghar Police Station, Panvel and all consequential proceedings arising therefrom, are quashed and set-aside.

9 Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

10 All concerned to act on the authenticated copy of this order.

REKHA
PRAKASH
PATIL

Digitally signed by
REKHA PRAKASH
PATIL
Date: 2022.09.23
19:14:50 +0530

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.