

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

CRIMINAL WRIT PETITION NO. 701 OF 2022

1. Mohd. Gayasuddin Khairulla Khan
 2. Mrs. Saviribano Khairulla Khan
 3. Mrs. Yasmin Khairulla Khan
 4. Mrs. Anjum AraNijuddin Shaikh
 5. Nrs, Haga Ara Khairulla Shaikh
 6. Mr. Arif Khairulla Khan
- ... Petitioners

Versus

1. The State of Maharashtra
 2. Smt. Shama Pravin Mohammad
Gayasuddin Khan
- ... Respondents

Mrs. Shabana Sayed, for the Petitioners.
Ms. M. H. Mhatre, APP for the Respondent No.1– State.
Mr. Prashant Jadhav, for Respondent No.2.

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

DATE : 21st SEPTEMBER, 2022.

P. C. :

Heard learned Counsel for the parties.

2 Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Learned Counsel Mr. Prashant Jadhav waives notice on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing and setting aside of the FIR, bearing C.R.No.0203 of 2021, registered with the Bhoiwada Police Station, Mumbai, for the alleged offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4 The petitioner No.1 is the husband of respondent No.2; the petitioner No.2 is the mother of the petitioner No.1, petitioner Nos.3 and 4 are the sisters of the petitioner No.1 i.e. mother-in-law and sister-in-laws of the respondent No.2 respectively.

5 It appears that the petitioner No.1 got married to the respondent No.2 on 27th August, 2018 as per the Islamic rituals and rites. After marriage, the respondent No.2 went to reside with the petitioner no.1, at her matrimonial home at Dongari, Mumbai. It appears that thereafter, some differences/quarrels arose/started between the parties, pursuant to which the aforesaid C.R. was lodged by the respondent No.2. It appears that post the registration of the said FIR, the parties amicably settled their dispute.

6 Learned Counsel for the respondent No.2 relies on the affidavit of the respondent No.2 dated 16th July, 2022 duly notarized before the Notary and filed in the aforesaid Petition. In para 6 of the said affidavit, the respondent No.2 has given her no objection for withdrawal the said complaint/FIR. She has further in para 9 of the said affidavit given her 'no objection' to the quashing of the aforesaid C.R./proceeding. In para 10 of the said affidavit, she has stated that after obtaining a divorce from the petitioner No.1, she has got married to one Kamar Naeem Ansari on 23rd May, 2022. To her affidavit, she has annexed the said *Nikahnama* and photograph of her marriage.

7 The respondent No.2 is present in person before the Court. On being questioned, she re-iterates what is stated by her in her affidavit i.e. she has no objection for quashing of the FIR bearing C.R.No.0203 of 2021, registered with the Bhoiwada Police Station, Mumbai. 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. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has

verified the original aadhar card.

8 Considering the relations between the parties, nature of dispute, re-marriage of the respondent No.2 and as well as having regard to the judicial pronouncements of the Apex Court in the case **Gian Singh vs. State of Punjab & Anr.¹** and **Narinder Singh & Ors. vs. State of Punjab & Anr.²**, there is no impediment in allowing the petition.

9 The petition is accordingly allowed and the FIR bearing C.R.No.0203 of 2021, registered with the Bhoiwada Police Station, Mumbai and the proceeding arising from the said C.R., are quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

¹ (2012) 10 SCC 303

² (2012) 10 SCC 303