

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

CRIMINAL WRIT PETITION NO.1573 OF 2022

1. Rizwan Anwar Aga
Age 36 years, Occ: service
r/a Bldg. No.239/9342,
Kannamwar Nagar, Vikhroli (E)
Mumbai -40083

2. Shehnaz Anwar Aga
Age 62, Occ: Housewife,
r/a Bldg. No.239/9342,
Kannamwar Nagar, Vikhroli (E)
Mumbai -40083

3. Shabina Mujeeb Salgar
Age 34 Occ: service,
r/a Bldg. No.239/9342,
Kannamwar Nagar, Vikhroli (E)
Mumbai -40083

... Petitioners.

Vs.

1. State of Maharashtra
Through Public Prosecutor

2. Raisa Rizwan Aga
Age 29 yrs
R/at S No.50/1, Dinkar Pathare
Vasti, lane no.6, Chandan
Nagar, Pune 411014.

... Respondents.

**WITH
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... Respondents.

**CORAM: REVATI MOHITE DERE
& R.N.LADDHA, JJ.**

DATE : 24 NOVEMBER, 2022.

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24 November, 2022.

Ms Trupti Ashok Bharadi a/w Ruchi Kakkad, Advocate a/w Rizwan Agar for the Petitioners.

Mrs P.P. Shinde, APP for State.

Mr Vikram Singh Parmar, Advocate for Respondent No.2.

Mr J. R. Dhanawade, PSI, Vikhroli Police Station present.

...

ORDER (Per R.N.Laddha) :

Heard learned Counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned Counsel for the parties.

3. By these writ petitions, the petitioners seek to quash the FIR No.457 of 2019 for the offences punishable under Sections 498-A, 313, 504, 406, r/w Section 34 of the Indian Penal Code registered at Vikhroli Police Station, Mumbai and FIR No.187 of 2021 for the offences punishable under Sections 377, 323, 504, 506 r/w 34 of the Indian Penal Code at Chandan Nagar Police Station, Pune. Quashing is sought on the premise that the parties have amicably settled their dispute and that Respondent No.2 in both these writ petitions has no objection to the quashing of the same.

4. Perused the papers. Petitioner No.1 in these writ petitions is the husband of Respondent No.2. Petitioner No.2 is the mother-in-law, and Petitioner No.3 is the sister-in-law of Respondent No.2. After marriage, Respondent No.2 started residing at her matrimonial home with the Petitioners. Since there was marital discord/differences post marriage, Respondent No.2 lodged the FIR described above vide CR no.457 of 2019 at Vikhroli Police Station, Mumbai, against the Petitioners. Allegations of ill-treatment and demand for dowry were made.

5. After that, Respondent No.2 also lodged another FIR at Chandan Nagar Police Station, Pune, vide C.R.No.187 of 2021 for the offences punishable under Sections 377, 323, 504, 506 r/w 34 of the Indian Penal Code against the Petitioners.

6. When these writ petitions were placed before us, it was stated by both the learned Counsel for the Petitioners and Respondent No.2 that the private dispute had been amicably settled. They submitted that Petitioner No.1 and Respondent No.2 have decided to be separated from each other, and as such they agreed to part peacefully and gracefully by obtaining a divorce. Accordingly, Respondent No.2 gave talaq/khula to Petitioner No.1 in front of two witnesses on 29.11.2021. They submitted that the parties have mutually settled their disputes.

7. They submitted that Respondent No.2 had taken khula from Petitioner No.1 and had entered into Consent Terms with Petitioner No.1 before the Family Court, Pune, in Petition u/s 34 of the Specific Relief Act, 1963, seeking a decree of dissolution of marriage r/w Section 7 of the Family Court's Act. Accordingly, Consent Terms were drawn. A copy of the petition for decree of dissolution of marriage is annexed to these petitions. The parties assure that they will abide by the terms and conditions in the Consent Terms. The learned Counsel for Respondent No.2 also tendered the Consent Affidavits and submitted that the parties have amicably settled their dispute and have decided to withdraw all the allegations against one another and separate amicably. She does not want to proceed further in these matters. She has no objection to quashing these impugned FIRs. Respondent no.2 is present before us through Video Conferencing. On questioning, she reiterates what is stated by her in her affidavits and further states that she has no objection to the quashing of the impugned FIRs. Respondent No.2 has been identified by her Counsel. We are informed that in FIR No.457 of 2019, the charge sheet has been filed.

6. The learned APP for Respondent No.1 submits that appropriate orders may be passed.

8. The dispute being matrimonial, is a private dispute.

Under these circumstances, continuation of the proceedings would be a futile exercise. It will also disrupt the compromise and interfere with the restoration of peace. Having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², we see no impediment in allowing these petitions. The petitions are, accordingly, allowed and the FIR No.457 of 2019, registered at Vikhroli Police Station, Mumbai and consequently, the criminal proceedings arising out of the same, as well as the FIR bearing No.187 of 2021, registered at Chandan Nagar Police Station, Pune, are hereby quashed and set aside.

9. Rule is made absolute in above terms. No costs.

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

[R. N. Laddha,J.]

[Revati Mohite Dere,J.]

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466