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

CRIMINAL WRIT PETITION NO.2850 OF 2022

Waseem Raza s/o Naseem Raza

... Petitioner

Versus

1. The State of Maharashtra

...

2. Nafisa Waseem Raza

... Respondents

Mr. Khalid Khan a/w Ms. Deepa Prema Chandarkar, for the petitioners.

Mr. Y.M Nakhwa, A.P.P for the Respondent No.1-State.

Ms. Nibha Jha for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.**

DATE : 14TH OCTOBER 2022

P.C. :

1. At the outset, we de-tag the aforesaid petition from other connected Writ Petitions, which have been wrongly tagged alongwith aforesaid the Writ Petition.

2. Heard learned counsel for the parties.

3. 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, and Ms. Nibha Jha, learned counsel waives notice on behalf of the respondent No.2.

4. By this petition, the petitioner seeks quashing of the FIR, bearing C.R. No.299 of 2021, registered with the Mumbra Police Station, Thane, for the alleged offences punishable under sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.

5. Quashing is sought on the premise, that the parties have amicably settled their dispute.

6. Perused the papers. The petitioner is the husband of the respondent no.2. It appears that the petitioner and the respondent no.2, got married on 24th March 2019. After marriage, the respondent no.2 started residing at her

matrimonial home. As there was marital discord/differences, the respondent no.2, filed the aforesaid FIR, as against the petitioner, i.e. the husband of the respondent no.2, her mother-in-law and another relative. We are informed that the petitioner's mother and relative, against whom the FIR has been lodged are residing in Bihar, and as such they could not come to Mumbai, to affirm the petition. After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Judicial Magistrate, First Class, Thane, bearing R.C.C. No.3227 of 2021.

7. It appears that in the interregnum, the parties have amicably settled their dispute.

8. Learned counsel for the respondent no.2, had tendered an affidavit of the respondent no.2 before this Court, duly affirmed, before the Assistant Registrar, High Court, Mumbai, on 25th August 2022. The said affidavit was taken on record. In the said affidavit, the respondent no.2 has stated that she has amicably settled the dispute with the petitioner as well

as with the other co-accused, who are not party to the petition. Respondent No.2 states that she has no objection for quashing of the FIR/charge-sheet/proceedings pending before the learned Judicial Magistrate, First Class, Thane, as against the petitioner and two others.

9. Today, the learned counsel for the respondent no.2 has tendered an additional affidavit of the respondent no.2, dated 14th October 2022, duly affirmed, before the Assistant Registrar, High Court, Mumbai. In the said additional affidavit, the respondent no.2 has stated that she had demanded Khula from the petitioner and accordingly, on demand of Khula, the petitioner has divorced her by pronouncing TALAK-E-BAIN. She has stated in the said additional affidavit, that the said Khula/Divorce is oral and that she has separated from the petitioner and now she has no relationship with the petitioner. The respondent no.2 has also given her no objection for quashing of the FIR, alongwith the proceedings. The said additional affidavit is taken on record. Learned counsel for the respondent no.2, has also tendered a xerox copy of the adhar

card of the respondent no.2, duly attested by her. The same is taken on record. The respondent no.2 is present in person. She reiterates what is stated by her in her affidavit and additional affidavit. On questioning, she states that she has no objection to the aforesaid FIR/proceedings, being quashed, as against the petitioner as well as the other two persons, i.e. her mother-in-law and a relative of the husband. The respondent no.2 is identified by her counsel and the learned APP has verified the original adhar card.

10. Considering the nature of dispute, relations between the parties, the affidavit and the additional affidavit of the respondent no.2, giving her no objection for quashing of the FIR, and consequently the proceedings arising therefrom, and 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, there is no impediment in allowing the petition.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

11. The petition is accordingly, allowed, and the FIR, bearing C.R. No.299 of 2021, registered with the Mumbra Police Station, Thane, is quashed and set aside, and consequently, the proceedings pending before the learned Judicial Magistrate, First Class, Thane, bearing R.C.C. No.3277 of 2021, is also quashed and set aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.