

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

CRIMINAL WRIT PETITION NO. 1938 OF 2022

1. Riyaz Rabbil Tadv
2. Liyaquat Rabbil Tadv
3. Ayeshabai Rabbil Tadv
4. Meenabai Liyaquat Tadv
5. Jjubedabai Jamal Tadv
6. Munnabai Bashir Tadv

...Petitioners

Versus

1. The State of Maharashtra
2. Anjumbano Riyaz Tadv

...Respondents

Ms. Pooja Agarwal a/w Mr. Vishal Patil i/b Mr. Prakash Chavan for the
Petitioners

Ms. M. H. Mhatre, A.P.P for the Respondent No.1-State

Mr. Abhishek Nandimath for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
MONDAY, 26th SEPTEMBER 2022**

P.C :

- 1 Mentioned out of turn.

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. Mr. Nandimath waives notice on behalf of the respondent No.2.

4 By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 507/2020 registered with the Kolsewadi Police Station, Kalyan, Thane, for the alleged offence punishable under Sections 498A, 323, 504, 506 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the petitioners and the respondent No. 2 have amicably settled their dispute.

5 Perused the papers. The petitioner No. 1 is the husband of the respondent No. 2; petitioner No. 2 is the brother-in-law; petitioner No. 3 is the mother-in-law of the respondent No.2;

petitioner No. 4 is the sister-in-law (wife of petitioner No. 2); petitioner No. 5 is the aunt of petitioner No. 1 and petitioner No. 6 is the grandmother of the petitioner No. 1.

6 It appears that the parties i.e. the petitioner No. 1 and respondent No. 2 got married as per Muslim rites and rituals in Jalgaon on 1st February 2015. Thereafter, respondent No. 2 started residing at her matrimonial home at Jalgaon. It appears that post the marriage, there were issues and marital discord between the parties, pursuant to which, the respondent No. 2 lodged the aforesaid FIR as against the petitioners alleging the aforesaid offence. After investigation, charge-sheet has been filed and the case is presently pending before the learned Judicial Magistrate First Class at Kalyan.

7 It appears that during the pendency of the aforesaid proceeding, the parties decided to resolve the dispute. Accordingly, the petitioner No. 1 and the respondent No. 2 entered into a *Talaqnama*. The said *Talaqnama* dated 8th March 2022 is at Exhibit `D' at page 84

of the petition. It appears that pursuant to the said settlement, the respondent No. 2 has also withdrawn DV proceedings as against the petitioners. The respondent No. 2 has filed her affidavit dated 20th April 2022, duly affirmed before the Notary. In the said affidavit, the respondent No. 2 has stated that she has withdrawn the DV proceedings and has got divorce vide *Talaqnama* dated 8th March 2022. She states that she has no objection for quashing of the FIR bearing C.R. No. 507/2020 registered with the Kolsewadi Police Station, Kalyan, Thane, and all consequential proceedings arising therefrom.

8 Respondent No. 2 is present in Court. 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 identified her. Learned A.P.P has verified the original Aadhar Card of the respondent No.2. On being questioned, she re-iterates what is stated by her in the affidavit.

9 Considering the nature of dispute, the relations between the parties, the amicable settlement between them 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.

10 The petition is accordingly allowed. The FIR bearing C.R. No. 507/2020 registered with the Kolsewadi Police Station, Kalyan, Thane, the charge-sheet and all the consequential proceedings arising therefrom, including proceeding being R.C.C. No. 410/2020 pending before the learned Judicial Magistrate First Class, Kalyan, are quashed and set-aside.

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

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.