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

CRIMINAL WRIT PETITION NO.3694 OF 2022

1. Usama Mohammad Ayyub Shaikh ...
2. Mohammedi Mohammad Ayyub Shaikh ... Petitioners

Versus

1. State of Maharashtra ...
2. Tuba Liyakat Ali Mansori ... Respondents

Mr. Gourav Bhavnani i/b Abdul Waheb Khan for the Petitioners.

Mrs. A.S Pai P.P a/w Mr. K.V. Saste A.P.P for the Respondent No.1-
State.

Mr. Abdul Hafeez for the Respondent No.2.

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

DATE : 10TH OCTOBER 2022

P.C. :

1. 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. Mr.

Abdul Hafeez, learned counsel waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR, bearing C.R. No. 165 of 2022, registered with the Vinobha Bhave Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 377, 342, 323, 504 and 506 r/w 34 of the Indian Penal Code.

4. Quashing is sought on the premise, that the parties have amicably settled their dispute, and started cohabiting together.

5. Perused the papers. The petitioner no.1 is the husband of the respondent no.2; and the petitioner no.2 is the mother-in-law of the respondent no.2. It appears that the petitioner no.1 and the respondent no.2, got married on 1st January 2022, as per Muslim Personal Law. It appears that it was the love marriage, and that it was without consent of the respective families. After marriage, as there was marital

discord/differences, the respondent no.2 filed the aforesaid FIR, as against the petitioners. We are informed, that charge-sheet has not been filed, till date.

6. It appears that during the pendency of the aforesaid C.R., the parties amicably settled their dispute with the help of the elders in the family and well wishers. We are informed that the petitioner no.1 and the respondent no.2, have been residing together, since August 2022, and that they have no grievance against each other.

7. The respondent no.2 has also filed her affidavit, dated 21st September 2022, duly affirmed before the Assistant Registrar, High Court, Mumbai. In the said affidavit, she has stated that due to marital discord, the complaint was lodged, as she was misguided by some of the relatives. She has stated that she has settled the dispute/differences amicably and has resumed marital relations, with the petitioner no.1 and is residing with him, since August 2022. She has further given her

no objection to the quashing of the said FIR. The respondent no.2 is present in person, and she reiterates, what is stated by her in her affidavit. She orally states that the entire C.R. be quashed not only as against the petitioners, but also as against her father-in-law. The xerox copy of the aadhar card, duly attested, by the respondent no.2, is taken on record. She is identified by her counsel and the learned APP has verified the original aadhar card.

8. Having regard to the aforesaid, that the respondent no.2 has started cohabiting with the petitioner no.1 and his family, and considering the nature of dispute, the relations between the parties. The amicable settlement between them, the affidavit of the respondent no.2, 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

9. The petition is accordingly allowed and the FIR, bearing C.R. No. 165 of 2022, registered with the Vinobha Bhave Police Station, Mumbai, is 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.

S. M. MODAK, J.

REVATI MOHITE DERE, J.