

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3808 OF 2017**

Taha Mufaddal Saifuddin ... Petitioner
versus
The State of Maharashtra and Anr. ... Respondents

Mr. R.T.Lalwani with Ms. Sadhna Jaykar Lalwani i/by Mr. J.K.Shah, for Petitioner.
Mr. H.J.Dedhia, APP, for State.
Ms. Sachi Lodha i/by Ms. Tauban F. Irani, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 5th MAY, 2022

P.C.

1. This Petition has been instituted to quash and set aside the proceedings arising out of Case No.160/DW/2017 pending on the file of Learned Judicial Magistrate, First Class, Thane instituted by the Respondent No.2. By an order dated 3rd October, 2017 this Court granted an ad-interim relief in terms of prayer clause (c) of the Petition, which came to be continued by an order dated 17th January, 2022.

2. The learned Counsel for the Petitioner and the Respondent No.2 submitted that, in the intervening period, the Petitioner and Respondent No.2 have amicably resolved the disputes and consent terms have been executed before the Family Court at Bandra, Mumbai in Petition No.A-821 of 2020. Copies of the order passed by the Family Court at Bandra, Mumbai and the Consent Terms are placed on record. It seems that by an order dated 26th April, 2022 in Petition No.A-821 of 2020,

a comprehensive compromise decree is passed in accordance with the consent terms (Exhibit 25). It records the settlement arrived at between the Petitioner and Respondent No.2. One of the terms is the withdrawal of the proceedings under the Domestic Violence Act i.e. 160/DW/2017 pending on the file of the learned JMFC, Thane.

3. Learned Counsel for the Petitioner submitted that since this Court had stayed the proceedings before the Learned Magistrate, the Respondent No.2 could not withdraw the said Case No.160/DW/2017.

4. The Respondent No.2 is present before Court. She submits before the disputes between her and the Petitioner have been settled. She further submits that she has no objection to quash and set aside the proceedings in Case No.160/DW/2017. She has also tendered an Affidavit. Affidavit is taken on record.

4. In view of the submissions and the Affidavit tendered by the Respondent No.2, and since the Petitioner and Respondent No.2 seem to have resolved matrimonial disputes, the proceedings in Case No.160/DW/2017 deserve to be quashed and set aside, as no fruitful purpose would be served by keeping the said proceedings alive. Hence, the proceedings in Case No.160/DW/2017 are quashed and set aside.

5. The Writ Petition stands disposed.

(N.J.JAMADAR, J.)