

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 530 OF 2019**

1. Nusrat Aman Khan @  
Nusrat Basir Chauhan
  2. Aman Khan
  3. Mariam Yusuf Chauhan ... Petitioners
- Versus
1. The State of Maharashtra
  2. Nusrat Yusuf Chauhan ... Respondents

**WITH**

**WRIT PETITION (ST) NO. 18025 OF 2023**

1. Yusuf Ahmed Bashir Ahmed Chouhan
  2. Bashir Ahmed Gulam Ahmed Chauhan
  3. Abida Bashir Chauhan ... Petitioners
- Versus
1. The State of Maharashtra
  2. Nusrat Yusuf Chauhan ... Respondents

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Mr. Vikram Sutaria a/w Agastya Desai for the Petitioners in both the Petitions.

Ms. S. S. Kaushik, APP for the State.

Mr. Ibrahim Vakil for Respondent No. 2 in both the Petitions.

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**CORAM : NITIN W. SAMBRE &  
N.R. BORKAR, JJ.**

**DATED : 19 OCTOBER 2023**

**P.C. :-**

In both these petitions the prayer is for quashing of the FIR in Crime No. 83 of 2018 and Sessions Case No. 651 of 2022 arising out of the said crime for the offence punishable under Sections 354, 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The respondent No. 2/complainant was married to Yusuf, the petitioner No. 1 in Writ Petition (st) No. 18025 of 2023. The rest of the petitioners in both the petitions are in-laws of the respondent No. 2/complainant.

3. The prayer for quashing is substantiated by the learned counsel for the petitioners in both the petitions based on the consent terms executed by the petitioners and the respondent/complainant on 1 September 2023, which is a notarized document.

4. In both these petitions the respondent No. 2 through her lawyer has tendered affidavit thereby extending consent for quashing of aforesaid Sessions Case.

5. It is agreed between the petitioner- husband and respondent No. 2 that petitioner- husband on 28 March 2018 had pronounced Talaq, which was accepted by the respondent No. 2. Out of the wedlock of the petitioner- Yusuf and respondent No. 2, two children were born namely, Aqsa and Mohammed Affan.

6. The petitioner No. 1- husband and his family members are giving up their right to have custody of both these children. It is also agreed between the parties that none of the petitioner shall have any claim or right over the property to which these two children shall be succeeding.

7. Apart from above, the petitioner No. 1 has given up his visitation rights, as we are informed that both the parties after the aforesaid pronouncement of Talaq got re-married.

8. The respondent No. 2/ complainant not only has given up her claim for alimony but has stated that she has sufficient means to maintain her two children.

9. In the wake of aforesaid consent affidavit and the consent terms, we have requested Ms. Kaushik, learned APP to verify from the

respondent No. 2 as to whether the said act is voluntarily.

10. After verifying the identity of respondent No. 2, Ms. Kaushik, informs that respondent No. 2 has voluntarily executed the consent affidavit.

11. Similarly, the petitioners including petitioner No. 1 has undertaken before this Court that he and his family members shall conduct themselves strictly in compliance with the consent terms dated 1 September 2023.

12. In the aforesaid background, we deem it appropriate to accept the consent extended by the respondent No. 2/complainant in view of the law laid down by the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr. reported in (2012) 10 SCC 303** and **Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in (2014) 6 SCC 466**. That being so, both the Petitions stand allowed in terms of prayer clause (a).

( N.R. BORKAR, J. )

(NITIN W. SAMBRE, J.)