

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

CRIMINAL WRIT PETITION NO. 2603 OF 2023

Mohd. Irbaz Sajid Batliwala
Age 23 years, of Bombay, residing at
15/A, 4th floor, 54 Anjuman Building
Mohd Umr Kolil Marg, Nishan Pada,
Umarkhadi, Chinch Nunder Mumbai,
Mumbai – 400 102

... Petitioner

Versus

1. The State of Maharashtra
(Dongri Police Station Mumbai).

2. Mrs Bushara Wife of Mohd
Irbaz Sajid Batliwala @
Bushara Ibrahim Mangrolwala
Age 23 years, Occ : Housewife
Residing at Room No.6, Hirani
Building, 45A Memon Wada,
Minara Masjid, Mohmedali Rd,
Mumbai.

... Respondents

Mr Chandrakant Talekar for the Petitioner.

Mrs S. D. Shinde, APP for the Respondent No.1-State.

Mr Javed Rathod for the Respondent No.2.

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

DATE : 10 AUGUST 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. By this petition, filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, the Petitioner seeks to quash FIR No. 583 of 2022 dated 3 December 2022, registered at Dongri Police Station, Mumbai, at the instance of Respondent No.2, for the offence punishable under Sections 326, 323 and 504 of the Indian Penal Code. The Petitioner seeks to quash the impugned FIR on the ground that he has amicably settled the dispute with Respondent No.2.

4. Perused the papers. Petitioner and Respondent No.2 are the husband and wife. It is revealed from the record that they got married on 8 February 2021. After marriage, Respondent No.2 started residing at her matrimonial home with the Petitioner. Post marriage, Respondent No.2 has alleged harassment and ill-treatment by the Petitioner and his family

members, pursuant to which she lodged the FIR above against the Petitioner.

5. During the pendency of the aforesaid FIR, we are informed that the parties have resolved their dispute amicably. The learned counsel for the Petitioner and Respondent No.2, in unison, submitted that the parties have mutually agreed to dissolve the marriage and separate amicably. Petitioner and Respondent No.2 have placed on record an affidavit dated 29 April 2023 duly affirmed before the Notary. Respondent No.2 is present before us and stated that she has no objection to the quashing of the impugned FIR against the Petitioner. Upon questioning, she confirmed the contents of her affidavit and was identified by her counsel. The learned APP has verified her original Aadhar Card, of which a self-attested copy is placed on record.

6. The dispute being matrimonial is a private dispute, and given the above-referred facts and the judgments of the Apex Court in this regard in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*², we see no impediment in allowing the petition by quashing the

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

impugned FIR.

7. Accordingly, the impugned FIR No. 583 of 2022 dated 3 December 2022 registered at Dongri Police Station, Mumbai, against the Petitioner is quashed and set aside, subject to payment of a cost of Rs.25,000/- to the Kirtikar Law Library, Mumbai by the Petitioner within a period of three weeks from the date of uploading of this order.

8. Rule is made absolute in these terms, and this Petition is disposed of subject to payment of the cost as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

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