

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4178 OF 2021

Fahad Aijaz Salim Ghazi And Ors

...Petitioners

Versus

The State Of Maharashtra And Anr

...Respondents

Mr. Shantanu R. Phanse Advocate for Petitioners.

Mrs. M. M. Deshmukh, APP for Respondent-State.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**

DATE : 20th DECEMBER 2023

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P.C.:-

1. In spite of service, none appeared for Respondent No.2. The record indicates that, though the matter was listed on 25th April 2023, 29th August 2023, 3rd October 2023, the respondent No.2 was absent. Vide order dated 6th December 2023 it was directed that intimation about the next date of hearing be given to Respondent No.2 through concerned police station.

2. Learned APP on instructions submitted that, the police tried to give intimation to respondent No.2. However, respondent No.2 was not found at her address. The police officer then contacted the father of respondent No.2 and intimated him about the present proceeding. He informed the police that Respondent No.2 would remain present in the Court. Station diary in that regard has been made by the concerned police station. The report in

that regard is taken on record. Respondent No.2 is absent.

3. The petitioners have challenged the proceedings in R.C.C. No. 6900722/PW/2021 pending before the Court of learned Metropolitan Magistrate, 69th Court Mazgaon at Sewri, Mumbai arising out of FIR dated 12th April 2019 registered with Nagpada Police Station vide C.R. No. 136 of 2019 for offences punishable under Sections 498-A, 323 504, 506 read with 34 of the Indian Penal Code, 1860.

4. Learned Advocate for the Petitioners submitted that the parties had resolved the dispute. Kula-nama was executed. Deed of Consent Divorce was filed wherein it is indicated that all the proceedings initiated against the Petitioners would be withdrawn. Based on the consent terms, proceedings under the Domestic Violence initiated by Respondent No.2 are withdrawn. Marriage between Petitioner No.1 and Respondent No.2 has been dissolved.

5. From the documents which are annexed to this petition and submission advanced by learned Advocate for Petitioners it is apparent that Respondent No.2 has agreed for withdrawing or quashing the impugned proceedings in view of settlement between the parties.

6. Considering the fact that, the proceedings are arising out of matrimonial discord between the parties which was subsequently settled, the impugned proceedings can be quashed.

ORDER

- (i) Criminal Writ Petition No. 4178 of 2021 is allowed.
- (ii) The impugned proceedings viz. R.C.C. No. 6900722/PW/2021 pending before the Court of learned Metropolitan Magistrate, 69th Court Mazgaon at Sewri, Mumbai arising out of FIR dated 12th April 2019 registered with Nagpada Police Station vide C.R. No. 136 of 2019 is quashed and set aside.
- (iii) Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)