

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

CRIMINAL WRIT PETITION NO. 4153 OF 2022

Arif Siddique Shaikh & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Atavarish Varshi for the Petitioners.

Ms. M. M. Deshmukh, APP for the Respondent-State.

Mr. Mubashir Hussein for the Respondent No. 3

Respondent No. 3 is present in-person.

**CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ**

DATED : 22ND AUGUST, 2023

P.C.:

1. The prayer is for quashing of the offence in Crime No. 421 of 2021 registered on 09/07/2021 for the offence punishable u/s 498-A of IPC and u/s. 3 and 4 of the Dowry Prohibition Act.
2. The Respondent No. 3/Complainant on 09/07/2021 lodged a complaint claiming that she got married with the Petitioner No. 1- Arif Siddique Shaikh on 26/01/2014.
3. It is claimed that after about three months of the marriage, the Petitioner No. 1 started ill-treating the Respondent No. 3/Complainant and at times the Petitioner No. 1 assaulted her.
4. It is also claimed that there was demand of dowry and as

such offence punishable u/s 3 & 4 of the Dowry Prohibition Act is alleged.

5. After the offence was registered, it appears that the parties have entered into Khula-nama and the same was reduced in writing, copy of which is placed on record. The Khula-nama was executed before the Notary.

6. In this background, the Respondent No. 3/Complainant, who is physically present in the Court has stated that she has submitted an Affidavit duly sworn on 24/10/2022 thereby extending consent for quashing of the offences as has been prayed in the present Petition.

7. She has stated that she is voluntarily extending consent without any coercion or pressure as she is satisfied that her thoughts, ideas, temperament is different from that of the Petitioner No. 1 and both of them won't get well in long term relationship.

8. It is informed that the Respondent No. 3 is the custodian of the children and she has already performed second marriage. That being so, the Respondent No. 3/Complainant has extended consent for quashing having already parted company of the Petitioners.

9. The Respondent No. 3 is duly identified by her Counsel so also she has admitted the contents through learned APP on being asked.

10. In this background, no purpose will be served in keeping the present proceedings pending against the Petitioners having regard to the stand taken by the Respondent No. 3/Complainant.

11. In this background, having regard to the law laid down by the Apex Court in the matters of ***Gian Singh vs. State of Punjab and Another*** reported in ***(2012) 10 SCC 303*** and ***Narinder Singh & Ors. Vs State of Punjab & Anr.*** reported in ***(2014) 6 SCC 466***, we deem it appropriate to allow the present Petition in terms of prayer clause (a).

12. We direct that the proceedings initiated against the Petitioners through Crime No. 421 of 2021 and consequential prosecution, if any, for the offence punishable u/s 498-A of the IPC and u/s. 3 & 4 of the Dowry Prohibition Act is hereby quashed and set aside by consent.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)