

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3332 OF 2024

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| 1. | Yahya Abdul Rashid Sayed |] | |
| 2. | Abdul Rashid Amir Sayed |] | |
| 3. | Mrs. Khairunnisa Abdul Rashid Sayed |] | |
| 4. | Moh. Arbaaz Moh. Arif Solanki |] | ... Petitioners |
| | V/s. | | |
| 1. | Tahoora Yahya Sayed |] | |
| 2. | The State of Maharashtra |] | |
| 3. | Senior Police Inspector,
Dongri Police Station, Mumbai |] | ... Respondents |

Mr. Unmesh A. Breed for Petitioner.

Ms. Nazneen Khatri a/w. Tasmiya Memon, Nausheen Siddique & Sagar Samel
i/b. Adil Khatri for Respondent No.1.

Mr. V.N. Sagare, A.P.P. for Respondent-State.

P.S.I. Mr. Jaysing Jaybhaye, Dongri Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 6th August 2024.

P.C. :

1) Husband, father-in-law, mother-in-law and friend of husband of Respondent No.1 respectively, have filed present Petition under Article 226 of the Constitution of India for quashing of Sessions Case No. 154 of 2023 pending on the file of learned Additional Sessions Judge, Mumbai, arising out of originally registered as CR No. 1619 of 2022 with Bandra Police Station, Mumbai and subsequently transferred and registered as CR No. 550

of 2022 with Dongri Police Station, Mumbai, under Sections 323, 376, 498(A), 504, 506, 506(2) read with 34 of the Indian Penal Code and under Sections 3, 4 & 7 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, with the consent of Respondent No.1, the informant.

2) Learned Advocate for Respondent No.1 submitted that, the Respondent No.1 and Petitioner No.1 have executed Consent Terms before the learned Metropolitan Magistrate, 12th Court at Bandra, Mumbai in D.V. Case No. 150/DV/2023 and have settled their disputes and differences amicably. He submitted that, the Petitioner No.1 and Respondent No.1 have decided to get separated and had agreed to take divorce by mutual consent. He submitted that, the Respondent No.1 has filed an Affidavit dated 11th July 2024 duly affirmed before a Notary Public. The Respondent No.1 therein has admitted the fact of filing of Consent Terms, as noted earlier. In para No.8 thereof, the Respondent No.1 has given her 'no objection' for quashing of the said case.

2.1) Respondent No.1 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 11th July 2024 and her 'no objection' for quashing of the crime in question.

3) In view thereof, Petition is allowed in terms of prayer clause (a).

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)