

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1779 of 2024

Mohd Faruq Hakeemulla Shaikh and anr .. Applicants

Versus

State of Maharashtra & Anr .. Respondents

...

Mr. Murtaza Najmi with Mr.Prabhat Kumar J. Dubey, Ms.Aarti E. Yadav for the applicant.

Ms.Supriya Kak, APP for the State.

Ms.Nikita A. Pandey with Farida Najmi for respondent no.2.

API Parag Bhat from Mira Road police station present.

CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ
DATED : 26th NOVEMBER, 2025

P.C:-

1 As directed by our order dated 19/11/2025 and in furtherance of the affidavit filed by respondent no.2, who had accorded a No Objection to quash the subject C.R, by stating that on the applicant no.1 being released on bail, they have performed Nikah on 12/11/2008 and even the marriage was registered.

2 As directed, the applicant no.1 as well as respondent no.2 marked their appearance before Mira Road Police Station and as directed, their statements were recorded on 21/11/2025.

Similarly, as we directed to ascertain the credibility of the Nikahnama which is before us, we have the report of the Sr.PI of the Mira Road police station dated 25/11/2025, who make a categorical statement that the said document is genuine, and though the person who has performed the nikah, has expired, his son who is now performing nikah has confirmed from record about the nikah. Although inquiry was made with the Registrar, Marriage Registration, Mira Road, but since the documents are not computerised and the record is very old, till date, no information is received.

The report from the Mira Road police station is taken on record and marked 'X' for identification, which also comprise of the statement of the applicant no.1 and the respondent as well as the copy of the Nikahnama.

3 In the wake of the decision of the Apex Court in **Kapil Gupta Vs. State (NCT of Delhi) and Anr**,¹ since no fruitful purpose will be served if the applicant no.1 and his mother are prosecuted, and particularly, it is seen when the charge-sheet is filed in the year 2013, but the trial could not proceed on the pretext that the whereabouts of the applicants were not known.

In the wake of the aforesaid, since the interest of justice could be met only if the proceeding are quashed and set aside against the Applicant no.1 and Applicant no.2, his mother, who are arraigned as an accused, in the wake of the offence being registered against her son, at the instance of the father of the girl, to whom her son is married in 2008 itself.

1 (2022) 15 SCC 44

Application is made absolute in the aforesaid terms.

FIR No. I-167/2006 registered with Mira Road Police Station and the charge-sheet filed pursuant thereto are quashed and set aside.

(SHYAM C. CHANDAK,J)

(BHARATI DANGRE, J.)