IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.155 OF 2026
AND
CRIMINAL WRIT PETITION NO.156 OF 2026
AND
CRIMINAL WRIT PETITION NO.171 OF 2026

CRIMINAL WRIT PETITION NO.155 OF 2026

SOFIYA TAMBAK .....PETITIONER
Versus
MUSKAN TAMBAK ALIA MUSKA SHEIKH
AND ANR ….RESPONDENTS

AND

CRIMINAL WRIT PETITION NO.156 OF 2026

MAKTUMBI TAMBAK ALIAS
MUSKAN SHEIKH AND ANR .....PETITIONER
Versus
MUSKAN TAMBAK ALIA MUSKA SHEIKH
AND ANR ….RESPONDENTS

AND

CRIMINAL WRIT PETITION NO.171 OF 2026

BASIRABANU MAHAMADAHANIFA TASED
ALIAS ASMA SHAIKH THR POA .....PETITIONER
Versus
MUSKAN TAMBAK ALIA MUSKA SHEIKH
AND ANR ….RESPONDENTS

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Mr. Amir Jamadar with Ms. Shefa Kazi, Advocates for the Petitioner.

Mr. A Tari, Advocate for Respondent No.1.

Ms. Swati Kamat Wagh, Additional Public Prosecutor for Respondent/State in WPCR No.155 of 2026.

Mr. Pravin Faldessai, Additional Public Prosecutor for Respondent/State in WPCR No.156 of 2026.

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CORAM:-ASHWIN D. BHOBE, J.
DATED :- 25TH November, 2026.

Oral Order:-

1. Heard Mr Amir Jamadar, learned Advocate for the Petitioners in all these Petitions, Mr A. Tari, learned Advocate for Respondent No.2 (Original Complainant) and Ms Swati Kamat Wagh, learned Additional Public Prosecutor in Criminal Writ Petition No.155/2026 and Mr Pravin Faldessai, learned Additional Public Prosecutor for the State in Criminal Writ Petition No.156/2026.

2. Learned Advocates appearing in these petitions state that the subject matter of the three petitions is common and therefore request that these matters be taken up together. At the request of the parties, these petitions are taken up together and disposed of by a common order.

3. By these petitions, the Petitioners, who are Respondents in Case No. D.V.C. No. 22/2025/B filed by Respondent No. 1 (Muskan

Tambak alias Muskan Sheikh) before the Court of the Judicial Magistrate First Class, Merces, Goa, challenge the summons dated 10.09.2025 and the Complaint in Case No. D.V.C. No. 22/2025/B.

4. Mr A. Tari, learned Advocate for Respondent No. 1 (Muskan Tambak alias Muskan Sheikh), Mr Pravin Faldessai and Ms Swati Kamat Wagh, learned Additional Public Prosecutors, raised an objection to the maintainability of this petition on the ground that the Petitioners have an alternate statutory remedy by way of appeal under Section 29 of the Protection of Women from Domestic Violence Act,2005, to challenge the summons as well as the Complaint in Case No. D.V.C. No. 22/2025/B.

5. In view of the objection raised by learned Advocates for the Respondents, Mr. Amir Jamadar, learned Advocate for the Petitioners, sought a pass over. After some time, at his request, these petitions were taken up.

6. Mr Amir Jamadar, learned Advocate for the Petitioners, on instructions from the Petitioners, seeks leave to withdraw these Petitions with liberty to file an Appeal(s) under Section 29 of the Protection of Women from Domestic Violence Act, 2005 before the Appellate Court (Sessions Court). He submits that the Petitioners were pursuing these petitions before this Court in good faith and bonafide. He states that filing of the Appeal(s) under Section 29 of the Protection of Women from Domestic Violence Act, 2005 would now be barred by limitation. He states that the proposed appeal(s)

would be filed before the Sessions Court within two (2) weeks from today and requests that it be considered on merits.

7. Mr A. Tari, learned Advocate for Respondent No. 1 (Muskan Tambak alias Muskan Sheikh), on instructions, states that if the appeal(s) the Petitioners propose to file before the Sessions Court are filed within two (2) weeks from today, the Respondent No. 1 (Muskan Tambak alias Muskan Sheikh) shall not raise any objection to the limitation in the context of filing the proposed appeal(s) and would argue the Appeals on merits. He states that all contentions of the Respondent No.1 (Muskan Tambak alias Muskan Sheikh) on merits of the Appeal(s) be left open for consideration by the Sessions Court.

8. Mr Pravin Faldessai and Ms Swati Kamat Wagh, learned Additional Public Prosecutors, do not oppose the request made by Mr Amir Jamadar, learned Advocate for the Petitioners, subject to the proposed appeals being filed within two (2) weeks from today.

9. In view of the above, the statement made by Mr Amir Jamadar, learned Advocate for the Petitioners, that the Petitioners were pursuing these petitions in good faith and in the absence of any objection from Mr A. Tari, learned Advocate for Respondent No. 1 (Muskan Tambak alias Muskan Sheikh), leave is granted to withdraw these petitions, with liberty to file an Appeal(s), as submitted by Mr A. Jamadar, learned Advocate for the Petitioners.

10. If the proposed Appeal(s) are filed before the Sessions Court (Appellate Court) having jurisdiction within two (2) weeks from today, the Sessions Court shall not insist on any application for condonation of delay and shall consider the Appeal(s) on their merits and in accordance with law after hearing the parties.

11. All contentions of the parties on the merits of the Appeal(s) remain open before the Sessions Court.

12. Criminal Writ Petition Nos. 155 of 2026, 156 of 2026 and 171 of 2026 are disposed of.

ASHWIN D. BHOBE, J.

Signed by: MEENA VISHAL BHOIR
Designation: Private Secretary
Date: 26/11/2026 18:07:24