

VERDICTUM.IN

ITEM NO.73

COURT NO.12

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1614/2024

(Arising out of impugned final judgment and order dated 13-12-2023 in CRP No. 12222/2023 passed by the High Court For The State Of Telangana At Hyderabad)

MOHD ABDUL SAMAD

Petitioner(s)

VERSUS

THE STATE OF TELANGANA & ANR.

Respondent(s)

(IA No.26935/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 09-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. S. Wasim A Qadri, Sr. Adv.
Mr. Saeed Qadri, Adv.
Mr. Saahil Gupta, Adv.
Mr. Deepak Bhati, Adv.
Mr. Shivendra Singh, Adv.
Ms. Udit Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned senior counsel appearing for the petitioner.

In this petition, the challenge is to the filing of a petition under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) by the respondent divorced Muslim woman.

Learned senior counsel appearing for the petitioner submitted that in view of the Muslim Women (Protection of Rights on Divorce) Act, 1986, a divorced Muslim woman is not entitled to maintain a petition under Section 125 of the

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CrPC and has to proceed under the provisions of the aforesaid 1986 Act.

It is also submitted that the 1986 Act is more beneficial to the Muslim woman as compared to Section 125 of the CrPC.

We find that this Court would be benefited by having the views of an Amicus Curiae, being appointed in the matter.

Hence, we request Shri Gaurav Agarwal, learned senior counsel to be appointed as Amicus Curiae in this case.

A set of papers of this case shall be made available by the Registry to Shri Gaurav Agarwal, learned senior counsel.

A copy of this Order shall also be made available by the Registry to him.

List on 19.02.2024.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(MALEKAR NAGARAJ)
COURT MASTER (NSH)