

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 440/2015.

Afreen Fatema Mohammad Rafique Sheikh and others.

-VERSUS-

The State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : JULY 14, 2015.

Heard Shri Qutub Jafar, learned Counsel
for applicant no.1, Shri M.R. Khan, learned Counsel for
applicant nos. 2 to 9 and Ms. N.P. Mehta, learned
A.P.P. for respondent State.

2. Copy of FIR tendered by learned counsel
appearing on behalf of the applicant no.1 is taken on
record. Shri Jafar, learned Counsel submits that
apparently no case under Sections 406 and 407 of
Indian Penal Code is made out in that FIR except for
the articles given in dowry.

3. Shri Jafar and Shri Khan, learned Counsel

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appearing for the applicants state that FIR was filed on account of matrimonial discord only and the issue is amicably settled between the parties, hence, this joint application for quashing of FIR and charge sheet is filed. They also point out that the marriage between the applicant no.1 and applicant no.2 is already dissolved as per law.

4. All the applicants are personally present in the court along with their Counsel.

5. Learned A.P.P. submits that as copy of FIR is not on record, she is not in a position to verify the contents thereof.

6. We find that FIR only relates to matrimonial dispute between the applicant no.1 and applicant no.2. There is no public element in it. In this situation, as jointly requested, we quash and set aside the FIR No. 106/2012 registered with Gittikhadan Police Station, Nagpur for offences punishable under Sections 498-A, 406, 407, 504, 506 read with Section 34 of Indian Penal Code, and consequently the Charge-sheet No.105/2012 pending on the file of Judicial Magistrate First Class, Court No.10, Nagpur.

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7. Demand draft of Rs. 3,00,000/- dated 15.05.2015 drawn on Axis Bank is handed over by Shri Khan, learned counsel for the applicant nos. 2 to 9 to Shri Jafar, learned counsel for the applicant no.1.

8. Criminal Application is accordingly allowed and disposed of. No costs.

Rgd.

JUDGE

JUDGE