

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

CRIMINAL APPLICATION (APL) NO.120/2016

Nusratullah Khan s/o Muzzaffarullah Khan and others

..Vs..

State of Maharashtra, through its Police Station officer, Frezarpura Police
Station, Tq. and Distt. Amravati and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Akshaya Kshirsagar, counsel for the applicant.
Mr. M.K. Pathan, Additional Public Prosecutor for non-applicant No.1.
Mr. R.D. Karode, counsel for non-applicant No.2.

CORAM : B.R. GAVAI AND V.M. DESHPANDE, JJ.

DATED : 21.11.2016.

The applicants who are mother, sisters and brother-in-law of Rahil Ahmad - the husband of non-applicant No.2 have approached this Court praying for quashing and setting aside the F.I.R. registered by non-applicant No.1 vide Crime No.380/2015 for the offence punishable under Sections 498-A, 307, 325, 504, 506 read with 34 of Indian Penal Code.

The said Rahil Ahmad was married to non-applicant No.2 on 8.5.2011. It is the case of the applicants that the non-applicant No.2 had lodged a false complaint against applicants thereby alleging that after her marriage with Rahil Ahmed the applicants were harassing her for illegal demands. It was their case that

on account of refusal to meet the demands the applicants had thrown the non-applicant No.2 from the terrace of the house on 25th August, 2015. The F.I.R. in question was registered on 11th September, 2015.

It was the contention of the applicants that said fall was accidental and the husband of the non-applicant No.2 had taken up her for treatment immediately to Nagpur. It was further their case that in the statement of non-applicant No.2 recorded by police the history was given of an accidental fall.

Taking into consideration that the F.I.R. was an outcome of matrimonial dispute and further taking into consideration that said Rahil Ahmed and non-applicant No.2 were blessed with two children, out of them, elder living with father and the other one living with mother, we had counselled the parties in our chamber on 12th August, 2016. After counselling the husband and wife had agreed to travel together at Amravati and to go together to bring their younger son at Ner and bring him back to their house at Amravati. Subsequently, the matter was kept on 19.9.2016. After hearing the parties we were of the view that there was substantial progress in their relationship. However, we adjourned the matter so as to enable them to have longer time for sorting out their differences.

Today the matter is called out. The

non-applicant No.2 states that there is a substantial progress in their relationship. She further states that on account of F.I.R. in question her husband is not getting job. Therefore, she has also requested for quashing and setting aside the F.I.R.

Taking into consideration all these aspects and since in our view the pendency of criminal proceedings would be a hurdle in peaceful and cordial relationship between the non-applicant No.2 and her husband we find that the present application deserves to be allowed. In that view of the matter, the F.I.R. No.380/2015 registered by Frezarpura police station is quashed and set aside against the applicants as well as the husband of non-applicant No.2 namely Shri Rahil Ahmed.

JUDGE

JUDGE