

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

CRIMINAL APPLICATION (APL) NO. 643/2016.

Mohd. Faiz Mohd. Arif and another.

-VERSUS-

State of Maharashtra

CRIMINAL APPLICATION (APL) NO. 723/2014.

Mohd. Arif. Mohd. Gulam.

-VERSUS-

State of Maharashtra and another.

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
& A.S. CHANDURKAR, JJ.

DATE : SEPTEMBER 20, 2016.

Heard Shri K. Dodani, learned Counsel for
the applicants, Shri R.S. Nayak and Ms. M.H.
Deshmukh, learned A.P.Ps, for non-applicant – State
and Shri S.G. Joshi, learned counsel for non-applicant
Mrs. Quaiser.

2. Non-applicant no.2 in Criminal Application
No.723/2014 is wife. She along with her husband
Mohd. Faiz has filed Criminal Application
No.643/2016 pointing out that the matrimonial

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dispute is amicably settled between the parties and hence, F.I.R.No. 457/2014, on the basis of which cognizance of offence under Sections 498A, 307 read with Section 34 of Indian Penal Code has been taken against the applicant no.1 – husband, and Charge Sheet No. 205/2015 has been filed accordingly, should be quashed.

3. It is not in dispute that in Criminal Application No.723/2014, husband Mohd. Faiz is not a party. In-laws of applicant no.2 wife, i.e. parents and brother of Mohd. Faiz are applicants in Criminal Application No. 723/2014.

4. In Criminal Application No.723/2014, this Court has prima facie found that no case is made out against the applicants under Section 307 and 498A of Indian Penal Code.

5. Parties are present before the Court and are identified by their respective counsel. After hearing them we find that the dispute essentially has arisen out of matrimonial proceedings.

6. In this situation, as the dispute is of a private nature, we grant prayer (i) in Criminal Application No.643/2016. Accordingly FIR

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No.457/2014 and Charge Sheet No. 205/2015, as also pending Criminal cases on the file of Judicial Magistrate First Class, Court No.10 at Nagpur are quashed and set aside. Later FIR No. 3004/2015 and Charge-sheet No. 317526/2015 are also quashed and set aside. Criminal Application No.643/2016 is accordingly allowed.

7. In view of above orders, Criminal Application No. 723/2014 is rendered infructuous. The same is also disposed of accordingly. No costs.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded
is a true and correct copy of original signed
judgment/order.

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Pvt. Sec.