

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.913 OF 2016

1. Tahseen Begam w/o. Feroz Khan,
Age: 35 Years, Occu:Household,
R/o. Kot Bazar, Tq. Kandhar,
Dist. Nanded.
2. Anjuman Begam w/o. Sk.Maheboob,
Age: 42 Years, Occu:Household,
R/o. Chaitanya Nagar, Nanded,
Tq. & Dist. Nanded.

APPLICANTS

[Ori. Accused
Nos.4 & 5]

VERSUS

1. The State of Maharashtra
Through Police Station,
Itwara, Nanded.
2. Firdous Siddiqi w/o. Shahnawaz
Khan,
Age: 26 Years, Occu: Household,
R/o. Kalal Galli, Itwara,
Nanded, Tq. & Dist. Nanded.

RESPONDENTS

[Resp.No.2 ori.
complainant]

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Mr.Hamzakhan I. Pathan, Advocate for the
applicants
Mr.S.G.Karlekar, APP for the Respondent/
State
Mr.N.E.Deshmukh, Advocate for Respondent
no.2.

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**CORAM: S.S.SHINDE &
K.K.SONAWANE, JJ.**

Reserved on : 16.03.2017
Pronounced on : 20.03.2017

JUDGMENT: (Per S.S.Shinde, J.):

1. Heard.

2. Rule. Rule made returnable forthwith, and heard finally with the consent of the parties.

3. This Application is filed praying therein for quashing and setting aside the First Information Report bearing Crime No.164/2015, registered with Itwara Police Station, Nanded, for the offence punishable under Section 498A of the Indian Penal Code to the extent of applicants.

4. Heard the learned counsel appearing for the parties.

5. Pursuant to the notices issued to the respondents, respondent no.2 has filed affidavit-in-reply and contested the averments in the application on merits.

6. In reply to the affidavit-in-reply filed by respondent no.2, applicants have filed rejoinder-affidavit. It is stated in the said rejoinder-affidavit that, since 10th February, 2017, the informant had joined the company of her husband, and also compromised the proceedings under Domestic Violence Act before Lok Adalat, Nanded. The learned counsel appearing for respondent no.2, on instructions, submits that it is true that respondent no.2 has joined the company of her husband, therefore, it appears that the parties have amicably settled the dispute and decided to stay together.

7. The applicants are married sisters of the accused namely Shahnawaz Khan, and it

is claimed by them that they are residing at their matrimonial houses after their marriage. It appears that the applicants have got married long back and residing at their matrimonial houses.

8. In that view of the matter, no fruitful purpose would be served by continuing further investigation/proceedings on the basis of the FIR bearing Crime No.164/2015, registered with Itwara Police Station, Nanded, for the offence punishable under Section 498A of the Indian Penal Code to the extent of applicants. Hence, keeping in view the exposition of law by the Supreme Court in the case of ***Gian Singh Vs. State of Punjab & another***¹, we are of the opinion that, the FIR bearing Crime No.164/2015, registered with Itwara Police Station, Nanded, for the offence punishable under Section 498A of the Indian Penal Code to the

1 2012 AIR SCW 5333

extent of applicants, deserves to be quashed and set aside.

9. Criminal Application is allowed in terms of prayer clause-B. Rule is made absolute on above terms and the Criminal Application stands disposed of accordingly.

[K.K.SONAWANE]
JUDGE

[S.S.SHINDE]
JUDGE

DDC