

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

Criminal Application (APL) No.163 of 2016

[Mohammad Yunus s/o Mohammad Yusuf Patel and another v. State of Maharashtra, through Police Station Officer, Police Station Mankapur, District Nagpur, and another]

And

Criminal Application (APL) No.485 of 2017

[Rizwaan s/o Ramjan Khan Pathan and others v. State of Maharashtra, through Police Station Officer, Police Station Mankapur, District. Nagpur, and another]

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

In Criminal Application (APL) No.163 of 2016 :

Shri P.S. Tiwari, Advocate for Applicants.

Shri B.M. Lonare, Additional Public Prosecutor for Respondent No.1.

Shri S.A. Malani, Advocate for Respondent No.2.

In Criminal Application (APL) No.485 of 2017 :

Shri P.S. Tiwari, Advocate for Applicants.

Shri B.M. Lonare, Additional Public Prosecutor for Respondent No.1.

Ms Soniya A. Tiwari, Advocate for Respondent No.2.

Coram : R.K. Deshpande & Manish Pitale, JJ.

Date : 20th September, 2017

In Criminal Application No.485 of 2017, the respondent No.2, who is the wife of the applicant No.1, has filed an affidavit

stamp No.3107 of 2017, and paras 1 to 5 thereof are reproduced below :

“1. I, Farha Naaj w/o Rizwan Khan Pathan, Aged about 26 years, Occ.: Housewife, R/o C/o. Sheikh Iqbal Sayyad Post Bangali Panja, Near Railway Crossing District: Nagpur the respondent no.2 in the matter hereby state on oath that I have arrived at a compromise with the applicants and do not want to prosecute the FIR no.13/2015 filed in Mankarpur Police station for offences punishable under section 498A r/w section 34 of the Indian Penal Code.

2. That I have started residing with my husband i.e. applicant no.1 in the matter. That as a part of compromise all my ornaments and (Stree-Dhan) are kept in safe custody of my father in law Ramjan khan who is the applicant no.2. in view of me resuming marital life with my husband, I am hereby giving consent for quashing of the FIR no.13/2015.

3. That I also give consent for allowing the APL no 163/2015 pending before this Hon'ble Court for quashing of the said FIR which application is filed by Mohammad Yunus Patel and Aaliya w/o Mohammad Yunus Patel

4. *The said compromise is arrived with my free will and without any coercion or force.*

5. *Hence this affidavit.”*

Both these criminal applications are filed for quashing of FIR No.13/2015, registered under Section 498-A read with Section 34 of the Indian Penal Code with the respondent No.1-Mankapur Police Station at Nagpur. In view of the consent of all the parties, particularly of the respondent No.2, FIR No.13/2015, is hereby quashed and set aside.

The criminal applications stand allowed and disposed of accordingly.

(Manish Pitale, J.)

(R.K. Deshpande, J.)