

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

CRIMINAL APPLICATION (APPW) NO.115 OF 2018
IN CRIMINAL WRIT PETITION NO.1018 OF 2017

(Nadira Begum w/o Mohammad Salauddin Khan and others vs. State of Maharashtra and another)

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

Shri A.A. Sambaray, Advocate for applicants.
Smt. M.H. Deshmukh, Additional Public Prosecutor for
respondent no.1.
Shri R.J. Mirza, Advocate for respondent no.2.

CORAM : P.N. DESHMUKH AND
M.G. GIRATKAR, JJ.

DATED : JULY 4, 2018

Heard learned Counsel for the parties.

This application is taken out in Criminal Writ
Petition No.1018/2017, which was disposed of on
5/4/2018, for speaking to minutes of the judgment
contending that the petition was disposed of in view of
terms of settlement placed on record and as per
settlement terms, the proceedings, which were pending
between the parties and which were subject matter of
the petition, were decided to be given an end.

By referring to para 6 of the judgment of this
Court dated 5/4/2018 by which petition came to be
decided finally, it is pointed out by Shri Sambaray,
learned Counsel for applicants, that all the criminal
proceedings, which were pending between the parties
were decided to be disposed of as settled and both

parties have decided to lead their life peacefully. In the result, rule is made absolute by quashing and setting aside Regular Criminal Case No.222/2016 pending on the file of 7th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Amravati and First Information Report registered by Police Station, Frezarpura, Amravati vide Crime No. 218/2014 for the offences punishable under Sections 498-A, 323, 406 and 506 read with Section 34 of India Penal Code.

Shri Sambaray, learned Counsel for applicant, has contended that Regular Criminal Case No. 222/2016 is arising out of Crime No. 218/2014 and as such, it is one and same proceedings. It is further submitted that as per terms of compromise, in para 4 there is reference to Complaint Case No.157/2014 filed by respondent no.2 under the Protection of Women from Domestic Violence Act, 2005 pending in the Court of Judicial Magistrate, First Class, No.9, Amravati and Criminal Case No. 1025/2016 against party no.2 Mohammad Arif Khan pending before the Court of Judicial Magistrate, First Class, No.7, Amravati and both these proceedings are not mentioned in the judgment dated 5/4/2018 and as such, it cannot be said that in terms of settlement, these proceedings are quashed and set aside.

Shri Mirja, learned Counsel for respondent no.2, has submitted that respondent no.2 has no objection for making necessary clarification.

In fact, on perusal of writ petition, we find that there is no prayer made for quashing of aforesaid

two criminal cases.

In view of observations of this Court in para 6 of the judgment dated 5/4/2018 that in the interest of justice it is necessary to give an end to the proceedings, which are pending between the parties, we find it just and proper to quash and set aside the aforesaid proceedings also. Moreover, respondent no.2 has not opposed for the same.

In that view of the matter, in addition to proceedings mentioned in para 6 of the judgment dated 5/4/2018, proceedings in Complaint Case No.157/2014 filed by respondent no.2 under the Protection of Women from Domestic Violence Act, 2005 pending in the Court of Judicial Magistrate, First Class, No.9, Amravati and Criminal Case No. 1025/2016 against party no.2 Mohammad Arif Khan pending before the Court of Judicial Magistrate, First Class, No.7, Amravati are also quashed and set aside.

The criminal application is allowed in the above terms.

JUDGE

JUDGE

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