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

CRIMINAL APPLICATION NO.4448 OF 2017

1. Sayyed Imran Yunus,
Age: 28 years, Occu: Private Service
2. Sayyed Yunus,
Age: Major, Occu: Nil,
3. Shabana Sayyed Yunus,
Age: Major, Occu: Household
4. Sayyed Farhan,
Age: Minor, Occu: Nil,
Under Guardian of Applicant No.2

All R/o: Bharare Colony, Mominpura,
Beed, Dist. Beed
5. Sabasamrim @ Seema Yunus Maniyar,
Age: Major, Occu: Household,
R/o. Beed, Dist. Beed
6. Sanafarhat Ayyar Maniyar,
Age: Major, Occu: Household,
R/o. Rajapur, Tq. Rajapur,
Dist. Ratnagiri
7. Hina Mujjamil Shaikh,
Age: Major, Occu: Household,
R/o. Sarvar Pimpalgaon, Tq. Majalgaon,
Dist. Beed

..APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Station, Begampura,
Dist. Aurangabad
2. Tabbasum Begum Sayyed Imran,
Age: Major, Occu: Household,
R/o. C/o. Shaikh Mahemmod (Jamil),
Khalilouddin Maniyar, Near Water Tank,
& Masjid, Ghati Area, Aurangabad

..RESPONDENTS

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Mr K. J. Suryawanshi, Advocate for applicants;
Mr K. N. Lokhande, A.P.P. for respondent No.1;
Mr M. M. Kadtu, Advocate for respondent No.2

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 6th September, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the respective parties.

2. The applicants are before this Court initially seeking quashment of the proceeding out of first information report/ C.R.No.138 of 2017, dated 14th June, 2017, registered at Begumpura Police Station, Aurangabad, for the offences punishable under Sections 498-A, 354, 323, 506, 504 read with Section 34 of the Indian Penal Code and under Section 3 and 4 of the Prohibition of Dowry Act, 1961. Subsequently, by way of an amendment, prayer is added to quash the chargesheet bearing R.C.C.No.2186 of 2018 and J.C. No.253 of 2018 pending before the learned C.J.M., Aurangabad and learned President of Juvenile Justice Care Board at Aurangabad.

3. The applicants are inter se related to each other and also are the matrimonial relations of respondent No.2. Applicant No.1 is husband,

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applicant Nos.2 and 3 are fathers-in-law, applicant No.4 is brother-in-laws and applicants Nos.5 to 7 are sisters-in-law of respondent No.2.

4. The first information report lodged at Begumpura Police Station refers to the allegations levelled against the applicants at the instance of respondent No.2. It is submitted in the first information report that the marriage between applicant No.1 and respondent No.2 was solemnized on 15th May, 2016 at Beed as per the rituals of Muslim communities. It is further stated in the first information report that as per the demand of applicant No.1 i.e. husband and applicant No.2 i.e. father-in-law, father of respondent No.2 handed over an amount of Rs.5,00,000/- towards dowry demand. Along with this amount, gold and silver articles and certain other articles, such as, almira, showcase, sofa set, washing machine, freezer, dining table, cooker gas stove, gas cylinder, etc. were presented to applicant No.1 and his family members in marriage. Respondent No.2 started residing with applicant No.1 at Bharate Colony. For a initial period of one month, the in-laws of respondent No.2 gave good treatment to her but subsequently they started ill-treating her by raising petty grounds. They were also insisting respondent No.2 to perform surgery to her nose. It is further the allegations that the applicants used to tell respondent no.2 that she was not the choice of them for marriage. It is also stated in the report that respondent No.2 was subjected to ill treatment for demand of an

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amount of Rs.15,00,000/- for purchase of a plot and for performing surgery. Then respondent No.2 was driven out of her matrimonial home on 3rd January, 2017 and against ill treatment of applicants, respondent No.2 lodged the report at Grievance Redressal Centre of Aurangabad city and then it was submitted that necessary action be initiated against the applicants-offenders.

5. Certain documents are placed on record in support of the submissions made in the application. On issuance of a notice to the respondents, an affidavit-in-reply is filed on behalf of respondent No.2 and the application is opposed by way of said affidavit-in-reply filed in this Court, dated 18th November, 2017.

6. During the pendency of the application, it is submitted before this Court that due to intervention of the respectable members of both the families, the parties have decided to settle their dispute by way of an agreement/terms of settlement. Certain proposals were made and there was a positive response to the proposals. It is submitted before this Court that due to intervention of respectable persons in the family, as the parties decided to part their ways in view of temperamental issues and as the better sense prevailed over the parties, the parties, by settling the terms are approaching this Court for accepting terms of compromise and quashing the first information report as well as the

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proceeding initiated on the basis of first information report No.138 of 2017.

7. The parties have arrived at settlement and have expressed their desire to give an end to the legal battle between them, which is an outcome of the disturbed matrimonial relationship. It is also submitted that there are temperamental differences between applicant No.1 and respondent No.2 and due to intervention of respectable members of their families and as the better sense prevailed over the parties, the parties have decided to part their ways, the respondent No.2 accepted the proposal to end of the matrimonial relationship by way of written instrument named as 'manjur-e-khula' and agreed to accept the amount of Meher of Rs.5,000/- and Rs.3,75,000/- towards fare and reasonable maintenance for entire life or till her remarriage. The document i.e. terms of compromise/ terms of agreement are duly signed by the applicants as well as respondent No.2 and their respective Counsel. The said document titled as terms of compromise is taken on record and marked 'X' for identification.

8. Learned Counsel appearing on behalf of the applicants is justified in submitting before this Court that as the parties have decided to part their ways, it would not be in the interest of the parties to continue the legal proceeding or legal battle and on the contrary it

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would be in the interest of giving an end to the legal battle and lead their life peacefully.

9. Considering all the aforesaid aspects, we are of the opinion to allow the present application. Resultantly, the application is allowed. The first information report/ C.R.No.138 of 2017, dated 14th June, 2017, registered at Begumpura Police Station, Aurangabad, for the offences punishable under Sections 498-A, 354, 323, 506, 504 read with Section 34 of the Indian Penal Code and under Section 3 and 4 of the Prohibition of Dowry Act, 1961 and the proceeding bearing R.C.C.No.2186 of 2018 and J.C. No.253 of 2018 is quashed and set aside.

(AVINASH G. GHAROTE, J.) (PRASANNA B. VARALE, J.)

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