

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

40 CRIMINAL APPLICATION NO. 454 OF 2021

**ALTAF SHAIKH S/O. BASHIR SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Advocate for Applicants : Mrs. Sabahat T. Kazi.
APP for Respondent No. 1 : Mr. A.S. Shinde.
Advocate for Respondent No. 2 : Mr. Sayyed Mahefooz Ali Athar Ali.

**CORAM : SUNIL P. DESHMUKH AND
NTIN B. SURYAWANSHI, JJ.
DATED : 06.09.2021**

PER COURT :

1. This application is filed for quashing of RCC No. 47/2016 pending before the learned Judicial Magistrate, First Class, Shahada, District Nandurbar, for the offences punishable under Section 498-A, 394, 504, 506 read with 34 of the Indian Penal Code.
2. The applicant No. 1 is the husband and respondent No. 2 is the wife. Applicants No. 2 to 11 are the relatives of the husband. The wife lodged the FIR in question and alleged that applicants used to harass her and on 23.12.2015 at about 7:00 in the evening, the

applicants No. 1 to 3 and 5 came to her maternal house and threatened her mother to withdraw the application given in the Mahila Mandal. They assaulted respondent No. 2/wife with fist blows and snatched Mangalsutra from her mother. Pursuant to that the FIR came to be filed and the case is registered as stated above.

3. The parties have amicably settled their dispute and compromise terms to that effect are placed on record at Exhibit 'D'.

4. The respondent No. 2 by filing affidavit has confirmed the fact of settlement. She has stated that all the differences between the husband and wife and relatives of husband are amicably resolved with the intervention of elderly persons of the Society and their family members. They intend to maintain good relations and harmony in future. The wife/respondent No. 2 has no objection if the proceedings against the applicants are quashed.

5. Admittedly, the matter arises out of matrimonial dispute. There is no material on record to show that Section 394 of the Indian Penal Code is applicable in the present case. In that view of the matter, the application deserves to be allowed and the same is hereby allowed.

6. Proceedings of RCC No. 47/2016, pending on the file of the learned Judicial Magistrate, First Class, Shahada, District Nandurbar, for the offences punishable under Sections 498-A, 394, 504, 506 read with 34 of IPC, are hereby quashed and set aside.

(NITIN B. SURYAWANSHI, J.)

(SUNIL P. DESHMUKH, J.)

S.P.C.