

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

921 CRIMINAL APPLICATION NO. 538 OF 2021

DR. SOHEL PASHA S/O. KHAJA KHAMRODDIN CHISHTI
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. G. R. Syed.
APP for Respondent No. 1 : Mr. A.S. Shinde.
Advocate for Respondent No. 2 : Mr. Naseer Shaikh.

**CORAM : SUNIL P. DESHMUKH AND
NITIN B. SURYAWANSHI, JJ.
DATED : 23.09.2021**

PER COURT :

1. This application seeks following relief in prayer clause 'B' :

“B. Criminal proceeding bearing Regular Criminal Case No. 02/2021, pending in the Court of Learned Judicial magistrate First Class, at Degloor for the offences punishable under Sections 498-A, 323, 504, 506, 34 of the Indian Penal Code, 1860, may kindly be quashed and set aside.”

2. FIR at Crime No. 469/2020 came to be lodged by the respondent No. 2 – wife, alleging commission of offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, by the applicants. After completion of investigation, charge-sheet came to be filed and the case is numbered as RCC No. 02/2021,

which is pending in the Court of learned Judicial Magistrate, First Class, Degloor, District Nanded.

3. During the pendency of the present proceeding, the parties have settled the dispute outside the Court. Today, applicant No. 1 – husband and respondent No. 2 - wife are present in the Court and are identified by their respective Advocates. We have interacted with them and they have confirmed about the settlement arrived at between them. Terms of compromise are tendered across the bar, which are taken on record and marked as 'X' for identification. As per the terms of compromise, an amount of Rs. Four Lakhs, is given to respondent No. 2 – wife towards permanent alimony. The list of *Dahej* articles is also placed on record along with the compromise deed. The applicant No. 1 assures that the *Dahej* articles will be handed over to respondent No. 2 at Degloor.

4. Taking into consideration the amicable settlement of the matrimonial dispute between the applicant No. 1 and the respondent No. 2, we deem it appropriate to allow the present application in the interest of justice.

5. In the result, Criminal Application is allowed in terms of prayer clause 'B'. Criminal proceeding bearing Regular Criminal Case No.

02/2021, pending in the Court of Learned Judicial magistrate First Class, at Degloor for the offences punishable under Sections 498-A, 323, 504, 506, 34 of the Indian Penal Code, 1860, is hereby quashed and set aside.

(NITIN B. SURYAWANSHI, J.)

(SUNIL P. DESHMUKH, J.)

S.P.C.