

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

CRIMINAL APPLICATION (APL) NO. 1256 OF 2021
AND
CRIMINAL APPLICATION (APL) NO. 599 OF 2021

CRIMINAL APPLICATION (APL) NO. 1256 OF 2021

1. Amin Khan Iftekhar Khan,
Aged About 30, Occ.-Private,
R/o. Gutkala Ward, Chandrapur.
2. Shafiya Ayman Khan Amin Khan,
Aged abt. 25 years,
R/o. C/o. Ahad Ali Quazi,
Near Javed Floor Mill,
Zakir Colony, Walgaon Road,
Amravati.

... APPLICANTS

----VERSUS----

The State of Maharashtra,
PSO PS Amravati City, Amravati.

... NON-APPLICANT.

AND

CRIMINAL APPLICATION (APL) NO. 599 OF 2021

1. Iftekhar Khan Sardar Khan,
Aged About 58 Years, Occ.-Service,
R/o. Near Rajasthan Soap Factory,
Samaskal Darga Ward, Chandrapur.
2. Ajum Khan Iftekhar Khan,
Aged 53 years, Occ. Household,
R/o. Near Rajasthan Soap Factory,
Samaskal Darga Ward, Chandrapur.

... APPLICANTS

----VERSUS----

1. The State of Maharashtra,
PSO PS Nagpuri Gate, Amravati.

2. Shafiya Ayman Khan Amin Khan,
R/o. C/o. Ahad Ali Quazi,
Near Javed Floor Mill,
Zakir Colony, Walgaon Road,
Amravati.

... NON-APPLICANTS

Mr. Mir Nagman Ali, Advocate for Applicants.

Ms M. A. Barabde, Additional Public Prosecutor for
Non-Applicant/State.

Mr. Akash Sorde, Advocate for Non-applicant No.2.

CORAM : M. S. SONAK AND
PUSHPA V. GANEDIWALA, JJ.

DATE : 29.11.2021.

ORAL JUDGMENT : (PER M. S. SONAK, J.)

1. Heard.

2. **Rule.** The rule is made returnable forthwith at the request of and with the consent of the learned Counsel for the parties.

3. In both these petitions the relief is for quashing of First Information Report arising out of Crime No. 200/2021 registered for the offenses punishable under Sections 498-A, 406, 328, 34 of the Indian Penal Code read with Muslim Woman (Protection of Rights on Marriage) Act, 2019.

4. Criminal Application (APL) No.1256/2021 has been instituted jointly by the husband who has been cited as one of the accused persons in the First Information Report and the wife who

is the complainant. The Application (APL) No.599/2021 has been instituted by the relatives of the husband seeking quashing of the very same First Information Report.

5. The applicants in Criminal Application (APL) No.1256/2021 have appeared before us along with their baby, and stated that they have resolved their disputes, and complainant Shafiya does not wish to prosecute the complaint any further.

6. Having regard to the law laid down by the Hon'ble Apex Court in the case of **B. S. Joshi and Others Vs. State of Haryana and Another** reported in **(2003) 4 SCC 675**, we see no good ground to refuse the request made by the applicants.

7. Accordingly, both the applications are allowed and the impugned First Information Report is hereby quashed.

8. Normally, in a matter of this nature, we would have imposed some costs on the parties. However, Mr. Amin Khan has proposed that he will invest in a Fixed Deposit instrument in the name of their daughter. He has stated that Fixed Deposit an amount of Rs.5,00,000/- will be made within this week and a further Fixed Deposit in an amount of Rs.5,00,000/- will be made within six months from today. This amount of Rs.10,00,000/- will be kept in Fixed Deposit until their daughter attains the age of 18 years. A compliance report in this regard will have to be filed in

this Court within two weeks from today in the first instance and six months from today in the second instance.

9. If there is no compliance, the Registry to place this matter on board so that the Court can consider the action that can be taken against Mr. Amin Khan.

10. The rule is made absolute in the aforesaid terms. There shall be no order for costs.

11. Pending application(s), if any, stand(s) disposed of.

PUSHPA V. GANEDIWALA, J.

M. S. SONAK, J.

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