

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

CRIMINAL APPLICATION (APL) NO. 375 OF 2018

1. Syed Altaf Husain Syed Mubasshir Hussain,
Aged about 35 years, Occupation: Private,
R/o. Rahemat Nagar, Teacher Colony,
Chandrapur.
2. Syed Tafazzul Husain Syed Mubasshir Hussain,
Aged about 40 years, Occupation: Private,
3. Samina Yasmin Syed Tafazzul Husain,
Aged about 34 years, Occupation: Household,
Applicant No.2 and 3 R/o. C/o. Jabir Khan,
Teacher Colony, Chandrapur.
4. Samsunnisa Syed Mubasshir Hussain,
Aged about 70 years, Occu.: Household,
R/o. Saudagarpura, Talegaon Dashashar,
Tah. Dhamangaon, Dist. Amravati.
5. Sajeda Parveen Syed Sajid Ali,
Aged about 38 years, Occu.: Household,
R/o. Islampura, Kalam Chauk, Yavatmal
6. Wasima Bano Mohd Farukh,
Aged about 32 years, Occu.: Household,
R/o. Pathanppura, Nachangaon, Wardha.
7. Gulamoddin Qazi,
Aged about 60 years, Occu.: Private,
8. Mehrunnisa Gulamoddin Qazi,
Aged about 55 years, Occu.: Household,
9. Shabina Parveen Gulamoddin Qazi,
Aged about 30 years, Occu.: Household,
10. Rizwan Qazi Gulamoddin Qazi,
Aged about 28 years, Occu.: Private,

Applicant Nos. 7 to 10 Camp Pulgaon,
Tah. Devli, Dist. Wardha.

11. Shabana Bano Nazir Ansari,
Aged about 40 years, Occu.: Household,
12. Nida Parveen Nazir Ansari,
Aged about 15 years, Occu.: Student,
through her natural Guardian Nazir Ansari.\
13. Nikhat Parveen @ Nikki Bashir Ansari,
Aged about 16 years, Occu.: Student,
through her natural Guardian Bashir Ansari.

Applicant Nos. 11 to 13 R/o. Saudagarpura,
Talegaon Dashashar, Tah. Dhamangaon,
Dist. Amravati.

.... **APPLICANTS.**

// **VERSUS** //

1. The State of Maharashtra,
P.S.O., P.S. Ramnagar,
Chandrapur.
2. Farhat Anjum Syed Altaf Hussain,
Aged about 28 years, Occu.: Housewife,
R/o. C/o. Abdul Syed Abdul Majid,
Dafnipura, Karanja Lad, Dist. Washim.

.... **NON-APPLICANTS.**

Shri M.N.Ali, Advocate for Applicants.
Ms Mayuri Deshmukh, A.P.P. for Non-applicant No.1/State.
Ms Geetabali Lande, Advocate for Non-applicant No.2.

CORAM : Z.A.HAQ AND AMIT B. BORKAR, JJ.
DATED : JANUARY 19, 2021.

ORAL JUDGMENT : (Per : Amit Borkar, J.)

1. Heard.

2. **RULE.** Rule is made returnable forthwith.

3. This is an application under Section 482 of the Code of Criminal Procedure challenging First Information Report No.84 of 2018, dated 25th January 2018, registered with non-applicant No.1-Police Station for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicants with the accusation that the applicants physically and mentally harassed the non-applicant No.2. The applicant has therefore, filed present application challenging registration of the First Information Report against the applicant.

5. During pendency of the present application, the applicants and the non-applicant No.2 have amicably settled their matrimonial dispute. The applicants have placed on record document being *Khulanama*, wherein it is stated that the non-applicant No.2 and applicant No.1 have settled their dispute. In clause (3) of the said *Khulanama* it has been agreed by the non-applicant No.2 that she will be withdrawing all the criminal proceedings against the applicants.

6. In view of the fact that the parties have settled the matrimonial dispute amongst them and the offences which are alleged against the

applicant being of personal nature no purpose would be served by keeping the First Information Report and the proceedings in relation to it pending before the Court.

7. The Hon'ble Apex Court in the case of *Madan Mohan Abbot..vs..State of Punjab*, reported in **(2008) 4 SCC 582** in paragraph No.6 has taken a view that in case of amicable resolution of the offences of personal nature, it is advisable to quash the proceedings in view of the large pendency of the criminal disputes in Criminal Courts.

8. Taking into consideration the resolution of the dispute between the applicants and the non-applicant No.2, we are satisfied that no purpose will be served by continuing the prosecution against the applicants.

9. We, therefore, pass the following order:

First Information Report bearing Crime No.84 of 2018, dated 25th January 2018, registered with non-applicant No.1-Police Station for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code is quashed and set aside.

Rule is made absolute accordingly.

10. Fees of Ms Geetabali Lande, Advocate appointed to represent the non-applicant No.2 be quantified as per the Rules.

CRI.APPLN.NO. 744/2018.

In view of disposal of Criminal Application No. 375 of 2018, this application praying for time to remove office objections does not survive, hence, it is **disposed** of.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)

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