

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL APPLICATION NO.1350 OF 2022

JIBRAN KAMAL KHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Siddiqui Sohel E.
APP for Respondents: Mr. M.M. Nerlikar
Advocate for respondent no. 2 :Mr. Mohd. Sharaf h/f. Mr. Altamash Abdul L.

...

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 13 OCTOBER 2022

PC :

Heard.

2. The applicants who are the husband of the respondent no. 2 and his relatives are praying for quashing the FIR and the consequent chargesheet filed for the offences punishable under section 498-A, 323, 504 r/w. 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. Learned advocate Mr. Mohd. Sharaf h/f. Mr. Altamash Abdul Latif for the respondent no. 2 submits that the parties have amicably settled the dispute and even the respondent no. 2 has resumed cohabitation in the matrimonial home. He also points out that the affidavit in reply has been filed on her behalf to substantiate the fact.

4. Considering the fact that the genesis of the crime is a matrimonial dispute which has been amicably settled and the couple has resumed cohabitation, it would be appropriate to quash and set aside the crime as also the chargesheet.

5. Criminal application is allowed.

6. FIR no. 0034 of 2022 and the consequent chargesheet registered with City Chowk Police Station, Aurangabad for the offences punishable under section 498-A, 323, 504 r/w. 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act is quashed and set aside.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/