

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL APPLICATION NO. 3423 OF 2022

KAZI UBED S/O SYED JAVID AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. G. R. Syed
APP for Respondent No. 1 : Mr. M. M. Nerlikar
Advocate for Respondent No. 2 : Mr. Rahil R. Kazi

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

DATED : 19 OCTOBER 2022

PER COURT :-

1. Heard.
2. Issue notice to the respondents. Learned APP waives service for respondent no.1 and seeks time.
3. Learned Advocate Mr. Kazi waives service for respondent no.2.
4. Learned Advocate Mr. Syed for the applicants and learned Advocate Mr. Kazi for the respondent no.2 jointly submit that the parties have amicably settled the dispute and have decided to go for a *khula*. Even some agreement has been reached for the maintenance as

indicated by the respondent no.2 in her affidavit-in-reply, which is already filed on record.

5. Since the genesis of the criminal case is a marital discord and when the parties have decided to amicably sever their relationship, according to us, the settlement cannot be said to be against the public policy.

6. We allow the application and quash and set aside Crime No. 178 of 2021 registered with Itwara Police Station, Taluka and District Nanded, for the offence punishable under Sections 498-A r/w 34 of IPC and Section 4 of the Muslim Women (Protection of Rights on Marriage), Act, 2019.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]