

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

CRIMINAL APPLICATION NO. 315 OF 2023

- 1] Simra Khanam w/o Pathan Noman Ahemad Khan,
Nee : Simra Khanam d/o Lal Khan Sahib,
Age : 26 years, Occupation : Self employed,
Residing presently at Shalimar Function Hall,
Rahemat Nagar, Parbhani.
- 2] Pathan Noman Ahemad Khan s/o Karamat Khan,
Age : 26 years, Occupation : Nil,
Residing at Magdumpura, Wangi Road,
Parbhani Taluka District Parbhani.
- 3] Samina Yasmin w/o Karamat Khan Pathan,
Age : 57 years, Occupation : Govt. Servant,
Residing at Maulana Azad Nagar,
Jintur, Taluka Jintur, District Parbhani.
- 4] Karamat Khan s/o Gul Khan Pathan,
Age : 69 years, Occupation : Pensioner,
Residing at Maulana Azad Nagar, Jintur,
Taluka Jintur, District Parbhani.
- 5] Farha Khan w/o Dr. Irshad B. R.
Nee : Pathan Farha Khanam d/o Karamat Khan,
Age : 32 years, Occupation : Education,
Residing at C/o Dr. Irshad B. R. Flat No. 201,
Saroj Inclave, Hinner, Main Road,
Bengaluru.

...Applicants

Versus

The State of Maharashtra

...Respondent

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Mr. K. L. Tupe h/f Mr. R. R. Sawant – Advocate for the applicant

Mrs. M. A. Deshpande – Addl. P. P. for respondent/State

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**CORAM : MANGESH S. PATIL
AND
M. M. SATHAYE, JJ.**

DATED : 10.03.2023

PER COURT :-

. Heard learned counsel for the applicants and the learned APP.

2. The original informant conjointly with the accused persons in a crime registered at her instance being First Information Report No. 425 of 2022 registered with Nanalpeth Police Station, Dist. Parbhani, for the offences punishable under Sections 498-A, 354-C, 354, 323, 504, 506 r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, are requesting to quash the FIR on the ground that they have amicably separated.

3. It is a matter of record that earlier this Court has refused to quash the crime on a request made by the accused persons.

4. However, considering the fact that the genesis of the offences was a matrimonial discord coupled with the observations of this court made in the order refusing to quash the crime attributing something even to the informant, in our considered view, the settlement does not seem to be against the public policy. Hence, we allow the application and quash and set aside the First Information Report No. 425 of 2022 registered with Nanalpeth Police Station, Dist. Parbhani, for the offences punishable under Section 498-A, 354-C, 354, 323, 504, 506 r/w 34 of the Indian

Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, as against the applicants.

5. Criminal Application is accordingly disposed off.

[M. M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE