

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

CRIMINAL WRIT PETITION NO.520 OF 2022

SHAIKH AREF SHAIKH VAJIR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S. S. Shaikh, Advocate for the Petitioners.
Mr. A. R. Kale, APP, for the Respondent – State.
Mr. T. R. Quadri, Advocate for the Respondent No. 2.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ**

DATE : FEBRUARY 08, 2023

PER COURT :

1. With consent, heard finally at the stage of admission.

2. This is a Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1972 to quash the first information report bearing Crime No. 498/2021 registered with Police Station, Pathri, Dist. Parbhani and R.C.C. No. 47 of 2022 pending on the file of learned JMFC, Pathri, Dist. Parbhani for offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code, 1860.

3. The marriage between the Respondent No. 2 and the petitioner No. 1 was solemnized on 23.01.2006. The petitioner No. 1 and the Respondent No. 2 have two daughters from the said matrimonial relationship. The Respondent No. 2 left the matrimonial home in the year 2018 and lodged the FIR on 22.10.2021 alleging that she has been subjected to physical and mental cruelty by her husband and his relatives. On this basis, the aforestated crime came to be registered.

4. Learned Counsel for the petitioners and the Respondent No. 2 state that parties have now settled the dispute amicably. They have placed on record joint compromise pursis which reads as under:

I. The Husband (Petitioner No. 1) hereby undertakes to properly maintain his wife i.e., the Respondent No. 2 and their two daughters namely Nimrah D/o. Aref Shasikh and Aqsa D/o. Aref Shaikh.

II. The Petitioner No. 1 i.e., Husband undertakes to take all possible care of the Respondent No. 2 Wife and their 02 daughters. the purpose of maintaining family, the Husband will work seriously, punctually and will earn good money.

III. The Husband i.e. the Petitioner No. 1 further undertakes that he will bear all necessary expenses of education, schooling, medical expenses and expenses of marriage of their two daughters namely Nimrah D/o. Aref Shaikh and Aqsa D/o. Aref Shaikh.

IV. The Husband undertakes that he will open a women's tailoring shop by making provision of one room, sewing machine and materials required for tailoring and hand over the same to the Respondent No. 2.

V. The Husband i.e. the Petitioner No. 1 further assured that whatever he will get share from his father's property, the said share/amount will be deposited in any nationalized bank in the account of both of the daughters namely Nimrah D/o. Aref Shaikh and Aqsa D/o. Aref Shaikh and same shall be used for their education and marriage purpose.

VI. The Respondent No.2/Informant/Wife hereby undertakes to withdraw all cases pending against the Petitioners.

VII. The Respondent No. 2 i.e. the Wife further undertakes that he will cooperate the Petitioner No.1/Husband in their Matrimonial Relation.

VIII. The Respondent No.2/Wife further undertakes that she will take care of the Petitioner No.1

and she will not leave the company of the Husband/the Petitioner No. 1.

IX. The Respondent No.2/Wife undertakes that she will not insist for frequent visits at her parental house and also not make over use of mobile phone.

X. The Respondent No.2 does not have any objection, if the present Criminal Writ Petition is allowed.

XI. Similarly, the Respondent No.2 will withdraw the other proceedings i.e. the Complaint the provisions of Protection of Women from Domestic Violence Act filed against the Petitioners.

XII. The Petitioner No.1 and Respondent No. 2 hereby undertakes to cohabit peacefully with each other.

XIII. The Petitioner No.2 & 3 (i.e. Father in law and mother in law of Respondent No.2) will ensure that, Petitioner No.1 acts upon the above undertakings.

5. The Petitioner No. 1 and the Respondent No. 2 are present before the Court. They have confirmed the contents of the compromise pursis. The Respondent No. 2 has stated that she is willing to join her husband in her matrimonial home. We are of the view that the

compromise is voluntary and genuine. Considering the nature of the dispute, in our considered view, this is a fit case to exercise powers under Section 482 of the Cr.P.C. to secure the ends of justice.

6. In the result, the Petition is allowed in terms of prayer clause 'B'. Consequently, Crime No. 498/2021 registered with Police Station, Pathri, Dist. Parbhani and R.C.C. No. 47 of 2022 pending on the file of learned JMFC, Pathri, Dist. Parbhani for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code, 1860 are hereby quashed.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)