

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

929 CRIMINAL APPLICATION NO. 3198 OF 2022

**ARBAZ ATAULLHA PATHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for Applicants : Mr. Joydeep Chatterji
APP for Respondent No.1-State : Mr. R. D. Sanap
Advocate for Respondent No.2 : Mr. Krishna P. Rodge

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

DATE : 28 FEBRUARY 2023

PER COURT :-

1. This is an application under Section 482 of the Code of Criminal Procedure (Cr.PC.) to quash the FIR being crime no. 0106 of 2022 registered with Begumpura Police Station, Aurangabad and R.C.C. No. 2031 of 2022 pending on the file of learned 6th JMFC, Aurangabad for the offences punishable under Sections 498-A, 504, 506 r/w 34 of the Indian Penal Code (IPC) and Section 4 of the Muslim Women [Protection of Rights on Marriage] Act, 2019.

2. The marriage of respondent no.2 and applicant no.1 was solemnized on 22.05.2022. Respondent no.2 lodged FIR on 04.06.2022 alleging that her

husband and his family members subjected her to physical and mental cruelty. In view of the allegations made in the FIR, the aforestated crime came to be registered.

3. Learned counsel for the applicants as well as learned counsel for respondent no.2 state that subsequently, the parties have settled the matrimonial dispute amicably. They have placed on record the *khulanama*. It is stated that applicant no.1 has paid to respondent no.2 total amount of Rs.86,000/- at the time of execution of *khulanama*. In addition, applicant no.1 has also handed over a Demand Draft for an amount of Rs.75,000/- drawn in favour of respondent no.2 and the same is received by the brother of respondent no.2. Learned counsel for respondent no.2, under instructions, states that in view of the amicable settlement of the matrimonial dispute, respondent no.2 has no objection to quash the FIR as well as the criminal proceedings arising therefrom.

4. In our considered view, the settlement is voluntary and genuine. Considering the fact that the matrimonial dispute is amicably settled and in view of the principles laid down in the case of **B. S. Joshi v. State of Haryana [AIR 2003 SC 1386]**, in our considered view, this is a fit case to exercise the discretion under Section 482 of Cr.PC. Hence, the application is allowed in terms of prayer clause (B). Consequently, the FIR vide Crime No. 0106 of 2022

registered with Begumpura Police Station and the R.C.C. No. 2031 of 2022 pending on the file of learned 6th JMFC, Aurangabad are quashed. The criminal application is accordingly disposed off.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

VRE