

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

CRIMINAL WRIT PETITION NO.1222 OF 2021

Shaikh Ejaj s/o Shaikh Noor & ors. ... **PETITIONERS**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. S.S. Shaikh, Advocate for petitioners
Mr. N.T. Bhagat, A.P.P. for respondent No.1.
Mr. R.D. Khadap, Advocate for respondent No.2 (appointed)
.....

**CORAM : R.G. AVACHAT AND
 SANJAY A. DESHMUKH, JJ.**

DATE : 3rd AUGUST, 2023

ORDER :

Heard. This petition has been filed for quashment of the F.I.R. bearing Crime No.0270/2021, registered at Hingoli (City) Police Station for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and the consequential criminal proceedings bearing R.C.C. No.52/2022, pending before the learned Judicial Magistrate, First Class, Hingoli.

2. Learned A.P.P. and learned appointed counsel to represent the respondent No.2 have strong reservations to allow the petition. According to them, the F.I.R. is replete with allegations of harassment and ill-treatment, making out prima facie case to proceed against the petitioners for offence punishable under Section 498-A of the Indian Penal Code and related offences.

3. Perused the F.I.R. and related police papers. The petitioners have placed on record a copy of Khula Nama (dissolution of marriage at the instance of wife). The recitals thereof indicate that both, the respondent No.2 and her husband could not pull on together for one or the other reason. They, therefore, decided to have their marriage dissolved. A Khula Nama was, therefore, came into being. There are on record photographs to indicate, on the same day, the respondent No.2 wife and her parents took away all the articles those were given to the husband in the marriage. Some documents have also been placed on record to suggest the respondent No.2 wife has been now remarried in January 2022. In the aforesaid facts and circumstances and in the interest of justice, the Criminal Writ Petition is allowed in terms of prayer clauses (B) and (B-1).

4. Fees of Mr. R.D. Khadap, learned appointed Advocate

for respondent No.2 is quantified at Rs.7000/- (Rupees seven thousand).

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-