

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 75 OF 2021

1. Mohd. Shoeb Shakil Khan
Age: 28 years, Occ. Private
R/o. Akola Naka, Malegaon, Dist. Akola
2. Shakil Khan Sujat Khan Pathan
Age: 55 years, Occ. Service,
R/o. Akola Naka, Malegaon, Dist. Akola
Presently at Shirpur, Dist. Akola
3. Kausar Jahan Shakil Khan
Age : 50 years, Occ.: Household,
R/o. Akola Naka, Malegaon, Dist. Akola
Presently at Shirpur, Dist. Akola
4. Nusrat Jahan Mohd Razique
Age : 26 years, Occ. Household,
R/o. Near Super Tailor, Salebad, Amravati.
5. Neha Parveen Shakil Khan
Age: 25 years, Occ.: Household,
R/o. Near Atlas Park, Ganga Nagar,
Akola.

... Applicants

Versus

1. State of Maharashtra,
PSO, PS Balapur, Akola.
2. Salma Parveen Shoeb Khan
Aged 30 years, R/o. Ganganagar,
Near Atlas Bunglow, Balapur,
Tah. Balapur, Dist. Akola.

... Non-applicants

Mr. M.N. Ali, Advocate for applicant.

Mr. N.R. Rode, APP for non-applicant No.1.

Mr. A.K. Sorde, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI, AND
VALMIKI SA MENEZES, JJ.

DATE : 07.08.2023.

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Heard.

(2) **Admit.** Heard finally by consent of both the learned counsel for the parties.

(3) This is an application seeking to quash FIR in Crime No.31/2020 registered with Police Station Balapur, District – Akola, for the offence punishable under Sections 498-A, 323, 506 read with Section 34 of the Indian Penal Code and Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019, on account of settlement.

(4) The parties got married on 10.03.2019 as per customary rights. After few days from the marriage informant lady feeling matrimonial harassment has lodged the report. The parties are living separately from the two months of the marriage. They have no issue from the wedlock. With the aid and intervention of friends and relatives, the matrimonial dispute has been settled. The parties have obtained divorce and also withdrawn the proceedings filed under Domestic Violence Act, 2005, it was mutually agreed that the wife would co-operate for disposal of existing proceeding.

(5) Today, the informant (wife) is present before us, who has been identified by her Advocate Mr. A.K.Sorde. She has filed reply stating about the settlement and her no objection to quash the FIR. We have inquired with the informant wife to which she admitted the settlement and her no objection to quash the proceedings. The dispute is of matrimonial nature, which has been amicably settled between the parties. In the circumstances, there is no purpose in continuing the criminal prosecution.

(6) In view of above, the application is allowed. We hereby quash and set aside the FIR in Crime No.31/2020 registered with Police Station Balapur, District – Akola, for the offence punishable under Sections 498-A, 323, 506 read with Section 34 of the Indian Penal Code and Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]