



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

CRIMINAL APPLICATION NO.754 OF 2022

1. Sheikh Imran Sheikh Aziz, Aged – 31
yrs, Occu – Private,
2. Akila Begum Sheikh Aziz, Aged – 52 yrs,
Occu : Household,

Applicant 1 and 2 r/o 124, Nirala
Society, Bada Tajbag, Umred Road, Besa,
Nagpur – 440 034
3. Abdul Asif Salam Sheikh, age ; 52 years,
Occu : Private, 160, Nirala Society,
Umred Road, Ayodhya Nagar, Nagpur.
4. Sau. Heena Kausar Kayaj Sheikh, Agd 30
yrs, Occu. : Housewife, r/o Kayaj Riyaj
Sheikh, gali No.6, Ward No. 19, Mamta
Nagar, Ranjandgaon, Rajnandgaon,
Chhattisgarh – 491 1441
5. Rukhasar Shahezaad Khan Pathan, Aged :
30 years, Occ : Housewife, R/o At Azad
Ward, Ramtek, Tal. Ramtek, Nagpur –
441 106
6. Abdul Mujib Abdul Salam, Aged : 50
years, Occu : Private,

R/o 29 Umred road near, Hanuman
Mandir, Ragute Bhawan, Ramkrishna
Nagar, Hudkeshwar, Nagpur 440 034

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Hinganghat, Wardha, District Wardha.
2. Sau. Kaniz Fatema Sheikh Imran,
Age – 22 years, Occupation : Private,
At present R/o c/o Sayyad Sadik Ali,
Bhim Nagar Ward, Lotan chowk,
Hinganghat, Dist. Wardha.

... NON-APPLICANTS.

Shri M.V. Rai, Advocate for the applicants.
Mrs. Haider, Addl.PP. for the State.
Shri Vishwajit Wankhede, Advocate for the non-applicant no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED : 31.10.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

Heard. ADMIT.

2. The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.
3. This is an application seeking to quash the First Information Report along with Charge sheet in Crime No.165 of 2022 registered

with the Hinganghat Police Station, District Wardha for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code, on account of settlement.

4. The couple got married on 07.08.2020. After the marriage, the informant resumed to cohabit in the company of her husband and relatives. Since there was matrimonial differences, she started to reside with her father and then lodged the report alleging the matrimonial cruelty. The couple has no issue from the wedlock. During the pendency, the parties have amicably settled the differences. They have obtained the divorce i.e. 'Mubarat Nama' on 30.04.2023 of which the copy is tendered on record. It was agreed that husband would pay sum of Rs.25,000/- towards Mehar and Rs.1,25,000/- towards settlement.

5. Today, the informant lady is present before the Court and identified by her Counsel Shri Wankhede. She is also accompanied by her brother Ikram Ali Shadiq Ali. The informant stated that the matter is settled and she do not wish to prosecute the criminal case. She had also filed an affidavit in that regard. On our query, the informant lady has accepted that she had received total sum of Rs.1,50,000/- as stated above. It was a matrimonial dispute, which cannot be termed as heinous or anti social. The couple is young, who have taken conscious

decision to sever matrimonial ties for their betterment.

6. In view of above, we deem it appropriate to invoke our inherent powers. The application is allowed. We hereby quash and set aside First Information Report in Crime No.165 of 2022 registered with the Hinganghat Police Station, District Wardha for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code along with Charge sheet which is registered as RCC No.152 of 2022 pending before the Judicial Magistrate First Class, Hinganghat, District Wardha.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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