

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

CRIMINAL APPLICATION (APL) NO.1012 OF 2022

APPLICANTS

{Amendment carried out as
per order Dated 23/2/23}

: 1 ~~Nazish W/o Shoeb Siddique~~
~~Aged about 26 years; Occ: Housewife~~
~~R/o C/o Usman Sharif Shaikh Ward no~~
~~23 Nirmal Bakery Road Wardha~~

1 Shoeb S/o Hamid Siddique
 Aged about 29 years Occ: Private
 Work.

2 Abdul Hameed S/o Rehman Miya
 Siddique
 Aged about 68 years Occ: Private.

3 Ruhina Siddique W/o Hameed
 Siddique
 Aged about 58 years Occ; housewife

Applicants 2 to 4 are R/o Gorewada,
 Sailani Nagar, Nagpur.

..VERSUS..

NON-APPLICANTS

: 1 The State of Maharashtra, & One
 Through P.S.O. Police Station Wardha.

2 Nazish W/o Shoeb Siddique
 A/A 26 years R/o C/o Usman Sharif
 Shaikh Ward no 23, Nirmal Bakery
 Road Wardha

 Mr S. S. Ullah, Advocate for the Applicants.
 Mr M. J. Khan, Addl. P. P. for the Non-Applicant No.1/State.
 Mr M. R. Khan, Advocate for the Non-Applicant No.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 23rd FEBRUARY, 2023.

ORAL JUDGMENT : (PER : VINAY JOSHI, J.)

. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

2. This is an application seeking to quash the First Information Report (FIR) in Crime No.639 of 2020, registered with Wardha Police Station, District Wardha, for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code, 1860 and related criminal case bearing RCC No. No.730 of 2020.

3. At the instance of report lodged by Non-Applicant No.2 (wife), crime has been registered pertaining to matrimonial harassment. After few days from the marriage, the couple started to reside separately. Several meetings were held, but both sides have realized that marriage is unworkable. During pendency of criminal proceeding, with the intervention of relatives and mediator, the parties have settled the dispute. It is informed that as per prevailing Customs and Rules under Mohammedan Law, they have divorced. As the matter is

settled, informant lady do not want to prosecute the criminal case. Today, informant is present in Court and accompanied by her father namely Usman Shaikh. The informant is identified by her Counsel Mr M. R. Khan. We have enquired with the informant, on which she agreed that the matter is settled and expressed that she do not want to prosecute the concerned criminal case.

4. A dispute is of domestic nature and by mutual agreement, couple has been separated. Having regard to the said fact, there is no purpose in continuing the criminal prosecution as it would be exercise in futility. In the circumstances, we inclined to invoke our inherent powers. The criminal application is **allowed**.

5. We hereby quash and set side the FIR in Crime No.639 of 2020 and related Criminal Case bearing RCC No.730 of 2020 pending on the file of JMFC, Wardha.

6. Rule is made absolute in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)