



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

CRIMINAL APPLICATION [APL] NO. 1104/2023.

1. Shaikh Shahbaz s/o Shaikh Chote
Sahab, Aged about 28 years,
Occupation - Private Work,

2. Rashidabi w/o Shaikh Chote
Sahab, Aged about 60 years,
Occupation - Housewife,

3. Shabana Parveen s/o Shaikh Saleem
Aged about 28 years,
Occupation - Housewife,

1 to 3 are residents of Noori Chowk
Kundanlal Gupta Nagar, Nagpur.

4. Shahidabi w/o Mushtak Khan,
Aged about 51 years,
Occupation - Housewife,
resident of Noori Chowk, 1745/B/428
Kundal Lal Gupta Nagar, Nagpur.

... **APPLICANTS.**

VERSUS

1. The State of Maharashtra,
through its Police Station Officer,
Ashti, District Wardha.

2. Shazia Parveen w/o Mohammad
Shahbaz, Aged about 25 years,
Occupation - Household, resident
of c/o. Sayyed Javed Ali, Implipura,
Athwadi Bazar, Ashti, District Wardha.

... **NON-APPLICANTS.**

Mr. Sk.S. Ullah, Advocate for Applicants.
Mr. S.M. Ghodeswar, A.P.P. for Non-applicant No.1 State.
Mr. G. Mate, Advocate for Non-applicant No.2.

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

DATE : OCTOBER 04, 2023

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. **Admit.**

By consent of the learned Counsel appearing for respective parties, the matter is taken up for final disposal.

2. This is an application in terms of Section 482 of the Code of Criminal Procedure seeking to quash the first information report bearing Crime No.13/2022 registered with Ashti Police Station, Wardha for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code along with Regular Criminal Case No.110/2022, on account of mutual settlement.

Rgd.

3. The informant/lady had lodged a report alleging matrimonial cruelty. The police investigated the matter and filed charge sheet. In the meantime with the aid and intervention of relatives and friends, the parties decided to sever the matrimonial ties. In accordance therewith they had applied to the Family Court for divorce. In divorce proceedings they have filed a settlement memo wherein they have incorporated a term that the criminal prosecution would be discontinued.

4. The non-applicant no.2/lady has also filed an affidavit-cum-reply stating about the settlement and her non-inclination to go on with the prosecution. The informant lady is personally present before the Court and is identified by her Advocate. She has confirmed the contents of her reply.

5. The offence is of matrimonial cruelty, which cannot be termed as either heinous or serious one. The parties have decided to settle the matrimonial ties. In view thereof, there is no purpose in continuing the criminal prosecution, hence, we deem it proper to quash the same by passing the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The first information report bearing Crime No.13/2022 registered with Ashti Police Station, Wardha for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, along with related Regular Criminal Case No.110/2022 pending on the file of Judicial Magistrate First Class, Ashti, District Wardha is hereby quashed and set aside.

(VALMIKI SA MENEZES, J)

(VINAY JOSHI, J)