



Judgment

apl1112.23

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

CRIMINAL APPLICATION [APL] No. 1112/2023.

1.Mohammad Shaqeeb Sohail
s/o Nazeer Mohammad,
Aged about 31 years, Occupation – Business,

2.Nilofar Jaha w/o Nazeer Mohammad,
Aged about 53 years, Occupation – Housewife,

3.Nazeer Mohammad s/o Nawaz
Mohammad, Aged about 63 years,
Occupation – Private,

All residents of plot no.24, Awishkar
Society, Zingabai Takli, Mankapur,
Nagpur 440030.

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APPLICANTS.

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Police Station Mankapur City,
Nagpur.

2.Lubana w/o Mohammad Shaqeeb
Sohail, Aged about 21 years, Occupation
Housewife, resident of 117, Datta Nagar,
Gandhi Layout, Jafar Nagar,
Nagpur 440013.

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NON-APPLICANTS.

Rgd.

Mr. A.M. Balpande, Advocate for Applicants.
Mr. J.Y. Ghurde, A.P.P. for Non-applicant No.1 - State.
Ms R. Bajaj, Advocate for Non-applicant No.2.

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

DATE : DECEMBER 13, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Admit.

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

2. This is an application seeking to quash the first information report bearing Crime No.236/2023 registered with Mankapur Police Station, Nagpur for the offence punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code on account of settlement.

3. Applicants are husband and parents-in-law of the

Rgd.

informant lady. The marriage between the couple took place on 04.06.2021 and they started residing together. Since there was harassment at the instance of monetary demand, the informant – lady started to reside with her parents. She has lodged report with the police regarding matrimonial harassment, as a result of which the aforesaid crime came to be registered.

4. In the meantime, an element of settlement was perceived, hence, the matter was referred for mediation which resulted into success. The report of mediator in that regard is also on record. Both have realized that they cannot live together and hence took a conscious decision to sever the matrimonial ties. In accordance with the settlement, a deed of mutual divorce [Mubarat Nama] came to be executed. The informant – lady has waived her right of maintenance.

5. The parties have also filed a joint pursis about the settlement along with the deed of mutual divorce. The informant lady is personally present before the Court and is identified by her Advocate Ms Bajaj. The informant has stated about the settlement,

Rgd.

execution of divorce deed and her no objection to quash the proceedings. It was a matrimonial dispute, which cannot be termed as antisocial or heinous one. The couple are residing separately and thus, ends of justice would be secured by quashing the proceeding. In that view of the matter, we pass the following order.

ORDER

- (i) Criminal Application is accordingly allowed and disposed of.
- (ii) We hereby quash and set aside the first information report bearing Crime No.236/2023 registered with Mankapur Police Station, Nagpur for the offence punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

JUDGE

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