

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

CRIMINAL APPLICATION (APL) NO. 158/2023

1. Liyakat Ali Mubarak Ali Sheikh,
Age 36 yrs., Occ. Service, R/o. Ashiyana
Layout, Yavatmal, Tq. & Dist. Yavatmal.
2. Bano Bi Mubarak Ali Sheikh,
Age 58 yrs., Occ. Housewife,
R/o. Ashiyana Layout, Yavatmal,
Tq. & Dist. Yavatmal.
3. Sabir Hussain Sheikh @ Sheikh
Sabir Sheikh Abdul, Age 40 yrs.,
Occ. Business, R/o. Shastri Nagar,
Arni, Tq. Arni, Dist. Yavatmal.
4. Farzana Bi Shahenshah,
Age 39 yrs., Occ. Housewife,
R/o. Akhirat Nagar, Pusad,
Tq. Pusad, Dist. Yavatmal.

APPLICANTS

VERSUS

1. State of Maharashtra through
Police Station Officer, Yavatmal
(City), Tq. & Dist. Yavatmal.
2. Aafreen Liyaqat Ali Sheikh,
Age 24 yrs., Occ. Housewife,
R/o. C/o. Rahim Babu, Vyankatesh
Society, Bhosa Road, Yavatmal,
& Dist. Yavatmal.

NON-APPLICANTS

Mr. I. Deshmukh, Advocate with Mr. Y.K. Dhande, Advocate for applicants.

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

Mr. S.M. Khan, Advocate for non-applicant No. 2.

**CORAM : VINAY JOSHI AND
BHARAT P. DESHPANDE JJ.**
DATE OF JUDGMENT : 30.03.2023

ORAL JUDGMENT (PER VINAY JOSHI, J.)

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report in Crime No. 650/2022 for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code registered at Police Station Yavatmal City, Dist. Yavatmal.

4. The quashing is sought on account of settlement in between the parties. The couple got married on 03.04.2022 as per Customary Rites. Soon after the marriage, informant started to cohabit with her husband and in-laws. The marriage did not run smoothly as the informant was subjected to harassment. Finally, she started to reside separately from the month of June 2022 and thereafter, she has lodged report.

5. There was no issue from the wedlock. The couple being young, with the intervention of elder person and relatives, the matter is settled. The couple has decided to sever matrimonial ties and accordingly executed "Khulanama" on 10.11.2022. It was agreed that husband would pay lump-sum amount of Rs. 4 lakhs to

the wife towards settlement. Accordingly, husband has also paid the agreed sum by way of cheque to the wife.

6. Today, the informant lady is present in the Court who has been identified by her Advocate. We have inquired with the informant to which, she agreed about the settlement, execution of “Khulanama” and receipt of Rs. 4 lakhs. The informant is accompanied by her mother. In view of settlement, informant stated that she does not want to prosecute the criminal case. Since the matter is settled, there is no purpose in continuing the criminal prosecution. The offence is domestic one which cannot be termed as anti-social.

7. In view of above, Application stands allowed. We hereby quash and set aside First Information Report in Crime No. 650/2022 for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code registered at Police Station Yavatmal City, Dist. Yavatmal.

8. Application stands disposed of in above terms.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

Gohane