



Judgment

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

CRIMINAL APPLICATION [APL] No. 1103/2018.

1.Syed Ismail Syed Babbu,
Age 24 years, Occupation – Service,

2.Syed Babbu Syed Yasin,
Age 58 years, Occupation – Agriculturist,

3.Saberabi Syed Babbu,
Age 53 years, Occupation – Household,

Applicant Nos.1 to 3 residents of
Mola, Tah. Mehkar, District Buldhana.

4.Syed Israil Syed Babbu,
Age 23 years, Occupation – Student,
resident of Hiwara Ashram, Buldhana.

5.Shahista Sheikh Akhtar,
Age 26 years, Occupation Household.

6.Sheikh Akhtar Sheikh Sattar,
Age 30 years, Occupation Private.

7.Sheikh Sattar Sheikh Abdul,
Age 6 years, Occupation Nil,

Applicant Nos.5,6, and 7 residents of
Zodge, Tahsil Khamgaon, District Buldhana. ...

APPLICANTS.

VERSUS

Rgd.

1.The State of Maharashtra,
PSO, PS Janefal, Buldhana.

2.Afrin Anjum Syed Ismail,
Aged about 20 years, Occupation
Housewife, resident of Sultanpur,
Ward No.5, Mehkar, District Buldhana. ... NON-APPLICANTS.

Mr.M.N. Ali, Advocate for Applicants.
Mr. S.S. Doifode, A.P.P. for Non-applicant No.1 - State.
Mr.N.B. Kalwaghe, 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 charge sheet
bearing Sessions Trial No.32/2023, arising out of Crime
Rgd.

No.273/2018 registered with Janefal Police Station, District Buldhana for the offence punishable under Sections 498-A, 313, 323, 500, 504, 506 read with Section 34 of the Indian Penal Code on account of settlement.

3. Applicants are husband and nearer relatives of the informant lady. The marriage between the couple took place on 25.03.2018. Soon after the marriage there was a matrimonial harassment on account of dowry demand. It is alleged that on 28.04.2018 the applicants have caused miscarriage without the consent of the informant. Since there was incessant harassment, the informant – lady lodged report with the police. The police have completed the investigation and filed charge sheet.

4. The learned Counsel appearing for applicants upon instructions submit that yet charges are not framed. The couple have started residing separately after one month from their marriage. They had no issue from the said marriage. With the aid and intervention of friends and relatives, they have decided to sever the matrimonial ties. It is further stated that the husband has agreed to

Rgd.

pay Rs.5,75,000/- towards full and final settlement to the wife, and in pursuance of said settlement today they have entered into an agreement “Mubarat Nama”, and dissolved the marriage by customary mode. The husband has handed over cheque of Rs.5,75,000/- to the wife towards settlement.

5. The couple is young and they find it difficult to go on with the marriage. Both are desirous to lead their future life as per their choice. Though there are allegations of causing miscarriage without the consent of the women, however, both urged to put an end to the matter as pendency of prosecution would become an obstacle in their future life. The husband has today assured the Court and made a statement that the cheque would be honoured. He has also assured that he would return the gift articles as mentioned in the document “Mubarat Nama”. Similarly, the wife has stated that she has filed proceedings under Domestic Violence Act (PWDVA No.35/2018) and under Section 125 of the Cr.P.C. (Cri.M.A.No.115/2018), which she would withdraw.

6. Essentially it is a matrimonial dispute. The matter has

Rgd.

been amicable settled. The offences cannot be termed as antisocial or heinous one. Quashing of the prosecution would certainly secure the ends of justice. In that view of the matter, we are inclined to invoke our inherent jurisdiction and pass the following order.

ORDER

- (i) Criminal Application is accordingly allowed and disposed of.
- (ii) We hereby quash and set aside the proceeding bearing Sessions Trial No.32/2023 pending on the file of Additional Sessions Judge, Mehkar, District Buldhana, arising out of Crime No.273/2018 registered with Janefal Police Station, District Buldhana for the offence punishable under Sections 498-A, 313, 323, 500, 504, 506 read with Section 34 of the Indian Penal Code.

JUDGE

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