



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

985 CRIMINAL APPLICATION NO.2900 OF 2024

- 1 Shaikh Khaleel s/o Shaikh Shamad,
Age 42 yrs., Occ. Business,
R/o Asra Nagar, Nanded,
Tq. & Dist. Nanded.
- 2 Rashida Begum w/o Shaikh Shamad,
Age 74 yrs., Occ. Household,
- 3 Shaikh Shakeel s/o Shaikh Mohammad,
Age 48 yrs., Occ. Business,
- 4 Shaikh Umar s/o Shaikh Shakeel,
Age 20 yrs., Occ. Business,
R/o Per Burhan, Nagar, Nanded.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through Vimantal Police Station,
Nanded, Tq. & Dist. Nanded.
- 2 X.Y.Z.

... Respondents

...

Mr. G.R. Syed, Advocate for applicants

Mr. A.M. Phule, APP for respondent No.1

Mr. A.D. Hande, Advocate for respondent No.2

...

**CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.**

DATE : 21st AUGUST, 2024

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed for quashing First Information Report and the proceedings, if any, pending before learned Judicial Magistrate First Class, Ardhapur, Tq. Ardhapur, Dist. Nanded.

2 First Information Report vide Crime No.177/2024 dated 09.06.2024 came to be registered at the behest of respondent No.2 with Vimantal Police Station, Nanded, Tq. & Dist. Nanded, for the offence punishable under Sections 307, 377, 498-A, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

3 It is not in dispute that respondent No.2 got married to applicant No.1 on 25.11.2020. It was her second marriage. Applicant No.2 is her mother-in-law, applicant Nos.3 and 4 are brother-in-law and nephew of respondent No.2.

4 Respondent No.2 appeared in the matter and filed terms of

compromise by way of affidavit. Said terms of compromise have been got verified through learned Registrar (Judicial) and report in respect of same has been submitted on 07.08.2024. Respondent No.2 has given a customary divorce i.e. Khulanama to applicant No.1. Provision has been made for maintenance of respondent No.2. She has no objection for quashing the First Information Report and the proceedings, if any.

5 Though serious allegations were levelled involving offence under Sections 307 and 377 of the Indian Penal Code, it is to be noted that those allegations in respect of Section 377 of the Indian Penal Code appears to be since the date of marriage. There would be least possibility of any evidence in respect of same. Further, as regards Section 307 of the Indian Penal Code is concerned, it is stated that attempt to kill was by pressing the pillow on her mouth, but, now, she is taking back those allegations. In view of the same, we have no hesitation in exercising our powers. The application, therefore, stands allowed in terms of prayer clause 'B' in respect of all applicants.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)