



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

CRIMINAL APPLICATION (APL) NO. 217 OF 2024

(Mohammad Azhar Sheikh and others vs. State of Maharashtra and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Y.J.Sheikh, Advocate for applicants.
Mr. A.M.Ghogre, APP for respondent No.1.
Mr. B.L.Borikar, Advocate for respondent No.2 (appointed)

CORAM : VINAY JOSHI AND ABHAY J. MANTRI, JJ.

DATE : OCTOBER 25, 2024

- 1) Heard.
- 2) This is an application seeking to quash First Information Report bearing Crime No.404/2023 dated 16/09/2023 registered with Police Station Juni Kamptee, District Nagpur for the offence punishable under Sections 323, 498-A, 504, 506 read with 34 of the Indian Penal Code on account of settlement.
- 3) The couple got married on 03/02/2022, and after few days due to temperamental differences they started living separately. The petitioner feeling matrimonial harassment, hence she has lodged a report on the basis of which crime has been registered. In the meantime with the aid and intervention of the relatives, matter has been amicably settled. It was decided that parties shall obtain divorce and husband would pay sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) towards full and final settlement. The parties have also entered into settlement deed to that effect.

4) Today the informant is present, who is identified by her Counsel Mr. Shaikh. On our query, she stated that matter has been settled. She has signed the compromise deed, which is tendered on record. The informant also stated that she has received the entire sum of Rs.1,50,000/- and has no objection to quash the proceeding.

5) It is a matrimonial dispute which cannot be termed as heinous or anti social. In view of settlement, continuation of prosecution amounts to abuse of process of the Court. The application is allowed. We hereby quash and set side FIR in Crime No.404/2023 dated 16/09/2023 registered with Police Station Juni Kamptee, District Nagpur for the offence punishable under Sections 323, 498-A, 504, 506 read with 34 of the Indian Penal Code

6) Fees of appointed Counsel be paid as per rules.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)