



Judgment

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

CRIMINAL APPLICATION (APL) NO. 541/2022

Mohammad Shakil Gulam Ayub
Shaikh, Aged 37 yrs., Occ. Service,
R/o. Chhatrasal Nagar, Amravati.

... **APPLICANT**

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station, Gadge Nagar,
Amravati.
2. Rukhsar Tabassum d/o Saiyyad Jabir,
Aged 25 yrs., Occ. Household,
R/o. C/o. Abdul Sabir, Jamil Colony,
Amravati.

... **NON-APPLICANTS**

Mr. S. S. Shingane, Advocate for applicant.
Mrs. S.S. Jachak, APP for non-applicant No.1.
Mr. Raju Dhoble, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 04.10.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

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3. By this application, the applicant is seeking to quash First Information Report ("FIR") vide Crime No. 2524/2021 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 377, 498-A, 504, 506 of the Indian Penal Code, Sections 3, 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019. Initially, quashing was sought on merits and now quashing is sought on account of settlement.

4. The informant wife has lodged report alleging that after marriage, she has been harassed by applicant husband. She also alleges that the applicant was insisting and compelling her for unnatural intercourse and therefore, the report.

5. With the aid of intervention of elder members of family, dispute has been settled. The couple has no issue. Both of them realized that due to differences, they cannot live together, hence they choose to separate. They have obtained customary divorce. Applicant husband has returned household articles and also paid one time settlement amount.

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6. The informant has filed affidavit dated 22.07.2024 stating about settlement and her no objection to discontinue the prosecution. The informant is present before us who has been identified by her counsel Mr. Raju Dhoble. The informant stated that she has received one time settlement amount as well as gold and silver articles and gave her no objection. The informant further stated that pendency of prosecution may come in her way in settling of marriage elsewhere.

7. Though the applicant has been charged for the offence of unnatural sex, however it was dispute between the married couple. By way of settlement, they got divorce and settled amount has been paid. The informant is also not willing to continue the prosecution. The offence cannot be termed as heinous or against the society.

8. Having regard to above, peculiar facts, we deem it appropriate to exercise our inherent powers. In view of that, application is allowed. We hereby quash and set aside FIR vide Crime No. 2524/2021 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 377, 498-A, 504, 506 of the

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Indian Penal Code, Sections 3, 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 on account of settlement.

9. Application stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)