



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

CRIMINAL APPLICATION (APL) NO.483/2023

1. Shri Nawab Pasha,
aged about 61 Yrs., Occ. Retired
from Service, R/o 77-A, Jafar Nagar
Masjid, Gandhi Layout, Nagpur.
2. Mrs. Nahid Akhtar,
aged about 53 Yrs., Occ. Retired
from Service, R/o 77-A, Jafar Nagar
Masjid, Gandhi Layout, Nagpur.
3. Zia ul Mustafa Khan,
aged about 63 Yrs., Plot No.13-B,
Rathor Layout, Behind NIT Ground,
Noori Masjid, Nagpur.
4. Mohammad Zeeshan Pasha,
aged about 33 Yrs., Occ. Service,
R/o Plot No.77A, Gandhi Layout
Jafar Nagar, Nagpur. ... Applicants

- Versus -

1. The State of Maharashtra,
through the Police Station Officer,
Police Station Mankapur,
District Nagpur.
2. Saniya Zeeshan Nawab Pasha,
aged about 26 Yrs., Occ. Service,
R/o B2 Building, Plot No.61,
Greenfield JVLR, Near Majas,
Andheri East, Mumbai (as per FIR). ... Non-applicants

Mr. S. Zia Qazi, Advocate for the Applicants.
Mr. A.B. Badar, A.P.P. for Non-applicant No.1.
Mr. Gulafshan Ansari, Advocate for Non-applicant No.2.

CORAM: VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 12.2.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. On oral request applicants are permitted to add husband as applicant No.4 to the application since the matter has been amicably settled. So also applicants seek leave to amend the prayer clause as chargesheet has been filed.

Leave granted. Necessary amendment be carried out forthwith.

2. Heard. **Rule.** Rule made returnable forthwith.
Heard finally by consent of learned counsel for the parties.

3. This is an application seeking to quash chargesheet arising out of Crime No.0017/2023 registered by non-applicant No.1 Police Station Nagpur City for the offence punishable under

Section 498-A read with Section 34 of the Indian Penal Code on account of settlement.

4. The couple got married on 21.6.2021 and started to reside separately. Within two years there was matrimonial discord on which the informant wife started to reside separately. She has lodged the report regarding matrimonial harassment on which the police carried out investigation and filed chargesheet.

5. With the aid and intervention of relatives the efforts of settlement have been made. The couple realized that due to temperamental differences they cannot reside together. However, they decided to put an end to relationship by obtaining divorce (*Khulanama*) and to return the articles to each other. It was decided that the wife would not prosecute the criminal case. In view of mutual settlement, document of *Khulanama* dated 12.2.2024 and memorandum of understanding were executed. Continuation of prosecution would be exercise in futility.

6. Today informant wife is present before us. The wife has also filed affidavit stating about settlement. She has admitted about settlement, execution of *Khulanama* and her no objection to quash the proceedings against all accused including her husband. Since it is a matrimonial dispute it cannot be termed as heinous or antisocial.

7. In view of above application is allowed.

We hereby quash and set aside criminal prosecution Regular Criminal Case No.1478/2023 regarding Crime No.0017/2023 registered by non-applicant No.1 Police Station Nagpur City for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)