



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

CRIMINAL APPLICATION NO.813 OF 2024

1. Mohd. Faizur Rab s/o Mohd. Abdur Rab,
Aged about 38 years, Occu. Service.
2. Smt. Kausar Rab w/o Mohd. Abdur Rab,
aged about 59 years, Occu : Housewife.
3. Mohd. Tousif Rab s/o Mohd. Abdur Rab,
Aged about 34 years, Occu : Service,
4. Zeba Rab d/o Mohd Abdur Rab, Aged
about 30 years, Occu : Housewife.

All Applicants r/o Aalo Babu Road No.2
Bhadauni, Sharif Nawada, Near Fizul
Bari Nawada, Bihar

... APPLICANTS

VERSUS

1. The State of Maharashtra, through
PSO, Mankapur, Nagpur.
2. Sau. Sitara Parveen Ex W/o Mohd.
Faizur Rab, Aged about 32 years,
Occu : Housewife, R/o Plot No.52,
Behind Rathod Lawn Sangam Nagar,
Gorewada, Ring Road, Nagpur.

... NON-APPLICANTS.

Shri H.G. Katekar, Advocate for the applicants.
Shri Bissa, Addl.PP for the State.
Shri M.M. Akhtar, Advocate for the non-applicant no.2.

CORAM : VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 08.05.2024.

JUDGMENT : (Per : Vinay Joshi, J.)

Heard. **ADMIT.**

2. The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

3. This is an application seeking to quash the Criminal Prosecution bearing R.C.C. No.492 of 2018 arising out of Crime bearing First Information Report No.99 of 2017 registered with the Mankapur Police Station, District Nagpur for the offence punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code along with Section 3 and 4 of the Dowry Prohibition Act, on account of mutual settlement.

4. It is the informant's case that she got married with applicant no.1 in the year 2016 as per the customary rites. Soon-after the marriage, she went to reside at in-laws house. After some time she was subjected to cruelty to meet unlawful demand. The informant returned to her parental house and lodged the report. The Police have

completed investigation and filed the charge-sheet. It is informed that yet the Trial Court has not framed charges. During the pendency, with the intervention of elderly persons of the family, the parties have settled the dispute. At least both were in an agreement on the point that they cannot live together. In view of that, they took customary divorce and started to reside separately. The husband has agreed to pay sum of Rs.11 lakhs towards one time maintenance.

5. The informant is present before us, who is identified by her Counsel Shri M.M. Akhtar. She has filed a reply stating about the settlement and her no objection to quash the proceedings.

6. Today, the Demand Draft of Rs.11 lakhs has been handed over to the informant's learned Counsel. It is informed that, after Talaq, both got married with somebody else and by the time the informant having three children from her existing husband. It is also informed that applicant no.2 is died on 15.04.2021 of which the death certificate is produced. In these circumstances, continuation of prosecution amounts to abuse of the process of the Court.

7. It reveals that some applicants have earlier approached to this Court in Criminal Application No.1017/2018 for quashing of the charge-sheet. The said application was contested and considering the

prima facie case, this Court has declined to exercise the jurisdiction resulting into rejection of the application. The applicants have carried the matter to the Supreme Court, where it was withdrawn with a liberty to resort appropriate remedy before this Court. In our view, the rejection of first application would not come in our way since the circumstances are changed as now the matter has been settled and nobody has grievance.

8. In view of the above, the application is allowed. We hereby quash and set aside the Criminal Prosecution bearing R.C.C. No.492 of 2018 arising out of First Information Report No.99 of 2017 registered with the Mankapur Police Station, District Nagpur for the offence punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code along with Section 3 and 4 of the Dowry Prohibition Act.

9. The Application stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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