



Judgment

4 APL 899.24

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

**CRIMINAL APPLICATION (APL) NO. 899/2024**

1. Sheikh Naeem Abdul Ajij,  
Aged about 44 yrs., Occ. Service,  
Husband (**Accused No.1**) .
2. Rabiya Begum Abdul Aziz,  
Aged about 75 yrs., Occ. Housewife,  
Mother-in-law (**accused No.2**).
3. Sheikh Mubin Abdul Ajij,  
aged about 46 yrs., Occ. Service,  
brother-in-law (**accused No.5**).
4. Shama Begum Sheikh Mubin,  
aged about 40 yrs., Occ. Housewife,,  
Sister-in-law (**accused No.6**).

Applicant Nos. 1 to 4 are Mopa Road,  
Nagpur Bye-pass Umred, Dist. Nagpur.

5. Rajiya Begum Safi Khan,  
aged about 53 yrs., Occ. Housewife,  
sister-in-law (**accused No.7**)
  6. Shafiulhakha Salamkha Pathan,  
aged about 58 yrs., Occ. Retired,  
brother-in-law (**accused No.8**)
- Applicant Nos. 5 & 6 are R/o. Itwari  
Primary School, Itwari Peth, Jichkar  
Hall, Umred (Rural), Umred, Dist. Nagpur.

... **APPLICANTS**

**VERSUS**

1. The State of Maharashtra, through  
its Police Station Officer, Police Station  
Risod, Dist. Washim.
2. Zinat Fariyal Sheikh Naeem,  
aged about 32 yrs., Occ. Housewife,  
R/o. Dist. Washim, wife.

... **NON-APPLICANTS**

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Mr. A. Subhan, Advocate for applicants.  
Mrs. N. Tripathi, APP for non-applicant No.1/State.  
Mr. S. Khan, Advocate for non-applicant No.2.  
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**CORAM : VINAY JOSHI AND  
MRS. VRUSHALI V. JOSHI, JJ.**

**DATE : 23.08.2024.**

**ORAL JUDGMENT (PER: VINAY JOSHI, J.) :**

Heard.

2. **Admit.**

3. This is an application seeking to quash and set aside  
charge-sheet bearing RCC No. 230/2023 arising out of Crime

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No. 501/2023 registered with Police Station Risod, Dist. Washim for the offence punishable under Sections 498-A, 323, 506 of the Indian Penal Code on account of mutual settlement.

4. The applicant No.1 is husband as well as rest are relatives of husband. The applicant No.1 and non-applicant No.2 got married on 06.01.2022, on which the informant resumes to cohabit with applicant No.1. They have no issue from marriage. After 8 to 9 months from the marriage, due to differences, informant lady started to reside separately. In the meantime, she has has filed application for grant of maintenance in terms of Section 125 of the Code of Criminal Procedure as well as application to Magistrate in terms of Section 12 of the Protection of Women from Domestic Violence Act, 2005. In the said proceeding, matter was referred for mediation. With the intervention of relatives and friend, matter is amicably settled. On account of settlement, both the proceedings pending before the Magistrate have been disposed of. The parties took customary divorce named as “Khula Nama/Farkat Nama” and now the matrimonial ties have been severed. The agreed sum has already been paid to the

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informant wife. Today the informant is present before us with her brother. She is identified by her Advocate Mr. Khan and informant filed reply stating about settlement and her no objection to quash the proceeding. The offence cannot be termed as heinous and anti-social. In view of settlement, the continuation of prosecution amounts to the abuse of the process of Court.

5. In view of above, application is allowed. We hereby quash and set aside charge-sheet bearing RCC No. 230/2023 arising out of Crime No. 501/2023 registered with Police Station Risod, Dist. Washim for the offence punishable under Sections 498-A, 323, 506 of the Indian Penal Code on account of mutual settlement.

**(MRS. VRUSHALI V. JOSHI, J.)**

**(VINAY JOSHI, J.)**