



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

CRIMINAL APPLICATION (APL) NO.1017/2024

1. Mehraj Tajuddin Sayyad,
aged about 38 Yrs., Occ. Private.
2. Sayyad Tajuddin Shamasuddin,
aged about 66 Yrs., Occ. Private.
3. Mehrunisa Tajuddin Sayyad,
aged about 62 Yrs., Occ. Housewife.
4. Sirajuddin Tajuddin Sayyad,
aged about 42 Yrs., Occ. Private.
5. Mumtaz Abdul Shamin Sayyad,
age about 40 Yrs., Occ. Housewife.
6. Ashiya Sirajuddin Sayyad,
age about 38 Yrs., Occ. Private.

All 1 to 6 R/o Plot No.MIG 74,
Hingna Road, MIDC Mhada Colony,
Nagpur, Indl. Area Nagpur 440 016.

7. Shazad Mahmood Ali,
age about 74 Yrs., Occ. Private,
R/o Behind Jafar Nagar Church
Plot No.6, Ali Gulshan Katolroad,
Nagpur 440 013.

... Applicants

- Versus -

1. State of Maharashtra,
through P.S.O. M.I.D.C. Nagpur
City Tah. and Distt. Nagpur.

2. Roshan Akhtar W/o Mehraj Sayyad,
age 32, Occ. Housewife, R/o Plot
No.103, Bansi Nagar Behind
Sher-e-Punjab, Hingna Road,
Nagpur - 13. ... Non-applicants

Mr. G.C. Khond, Advocate for the Applicants.
Ms. M.H. Deshmukh, A.P.P. for Non-applicant No.1.
Mr. J.S. Mishra, Advocate for Non-applicant No.2.

CORAM: VINAY JOSHI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 6.8.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. This is an application seeking to quash chargesheet
(Regular Criminal Case No.12/2020) arising out of Crime
No.0558/2019 registered by non-applicant No.1 for the offence
punishable under Sections 498-A, 504, 506, 323, 354 read with
Section 34 of Indian Penal Code and Sections 3 and 4 of Dowry

Prohibition Act on account of settlement. It is informed that yet trial Court has not framed charge.

3. The parties got married in the year 2012. They are having two issues from the wedlock. However, due to temperamental differences they started to reside separately from last five years. The informant wife has filed a proceeding in the Family Court for grant of maintenance. The parties were sent to the Counsellor by Family Court which yielded in arriving on settlement on certain terms. It was decided that they would sever matrimonial ties by executing "Mubarat" i.e. a deed of divorce by mutual consent. The husband has agreed to pay lump-sum amount of Rs.15,00,000/- to the informant wife which he has already deposited in the Family Court.

4. The copy of settlement arrived by the parties filed in the Family Court has been tendered along with document "Mubarat". The informant has appeared *suo motu* through

Advocate Mr. J.S. Mishra and filed affidavit stating about the settlement and her no objection to quash the proceedings. Today the informant lady is present before us who is identified by her Advocate. The informant has agreed the terms and gave her no objection to quash the proceedings. It was a matrimonial dispute which has no social impact. The parties have arrived at settlement on certain terms. In the circumstances, continuation of proceedings would amount to exercise in futility.

5. For the aforesaid reasons, application is allowed.

We hereby quash and set aside the chargesheet (Regular Criminal Case No.12/2020) arising out of Crime No.0558/2019 registered by non-applicant No.1 for the offence punishable under Sections 498-A, 504, 506, 323, 354 read with Section 34 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)