



Judgment

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

CRIMINAL APPLICATION (APL) NO. 1202/2022

1. Najir s/o Mansoor Abla,
aged about 29 yrs., Occ. Engineer,
Presently R/o. Royal Palm Estate,
Goregaon-East, Mumbai-65.
2. Mansoor s/o Yunus Abla,
Aged about 60 yrs., Occ. Private Business,
3. Smt. Mahjabeen w/o Mansoor Abla,
Aged about 52 yrs., Occ. Housewife,
4. Kulsum d/o Mansoor Abla,
aged about 22 years, Occ. Student,
5. Nasir s/o Mansoor Abla,
Aged about 30 yrs., Occ. Private Business,

All petitioners Nos. 2 to 5 R/o. Motala,
Tq. Motala, Dist. Buldhana.

... **APPLICANTS**

VERSUS

1. State of Maharashtra through
Police Station Officer, Police Station,
Shantinagar, Tq. Nagpur, Dist. Nagpur.
2. Rafiya w/o Najir Abla,
aged about 26 yrs., Occ. Teacher,
R/o. Flat No.303, Hawa Palace,
Mudliyar Layout, Shanti Nagar,
Nagpur.

... **NON-APPLICANTS**

Mr. P.K. Raulkar, Advocate for applicants.
Mr. M.K. Pathan, APP for non-applicant No.1.
Mr. M.R. Khan, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.**
DATE : 20.09.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash criminal prosecution bearing RCC No. 1020/2022 arising out of Crime No. 242/2021 registered with Police Station Shantinagar, Tal. and Dist. Nagpur for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code on account of settlement.

4. The couple got married on 13.01.2019 and after few months, there was matrimonial discord of which the informant lady started to live separately. Feeling matrimonial harassment, she has lodged report, on the

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basis of which investigation was carried and charge-sheet has been filed. The informant has also filed an application under the provisions of the Protection of Women From Domestic Violence Act ("D.V. Act"). In the meantime, the matter has been amicably settled. The husband has agreed to pay sum of Rs. 9,65,000/- towards full and final settlement which he has already paid. The application filed under the D.V. Act was withdrawn on 15.04.2024. The party got separated by customary divorce known as "Mubaratnama" executed on 15.04.2024.

5. In view of settlement, the informant has filed reply stating about settlement and her no objection to quash proceeding. Today, the informant is present before us who has been identified by her counsel Mr. M.R. Khan. We have ascertained the facts, on which she stated about settlement and gave no objection. The alleged offence is of matrimonial nature which cannot be termed as heinous or antisocial. The parties have mutually settled the dispute, separated by way of customary divorce and one time settlement amount has already been paid. In the circumstances, we inclined to exercise our inherent powers.

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6. In view of above, application is allowed. We hereby quash and set aside criminal prosecution bearing RCC No. 1020/2022 arising out of Crime No. 242/2021 registered with Police Station Shantinagar, Tal. and Dist. Nagpur for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code against all applicants on account of settlement.

7. Application stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)