



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

CRIMINAL APPLICATION (APL) NO.871 OF 2020

- 1) Dr. Adnanul Haq Mushir Ul Haq Khan,
Age 32 years, Occ.- Medical Practitioner,
R/o Rana Apartment, Nagpur.
- 2) Mushir Ul Haq Khan Ansarul UL Haq Khan,
Age 59 years, Occ. – Private,
R/o Akot File, Akola.
- 3) Talat Jabin Mushir Ul Haq Khan,
Age 53 years, Occ.- Household,
R/o Akot File, Akola.
- 4) Wasiful Ul Haq Khan Ansarul Ul Haq Khan,
Age 65 years, Occ. – Nil,
R/o Samrin Plaza, Kalyan (West),
District – Thane,
- 5) Shaykurehman Ayyajurehman,
Age 64 years, Occ. – Nil,
R/o Haji Nagar, Akot File, Akola.

.... **APPLICANTS**

VERSUS

- 1) The State of Maharashtra,
PSO, PS Akot File, Akola.
- 2) Sabahat Asra Adnanul Haq Khan,
Age 27 years,
R/o C/o Azfar Ul Amin, Near KGN
Kirana Shop, Akbar Plot, Akot File, Akola.

.... **NON-APPLICANTS**

Mr. Mir Nagman Ali, Counsel for the applicants,
Mr. A.V. Palshikar, Addl. P.P. for non-applicant No.1/State,
Mr. J.P. Junghare, Counsel for non-applicant No.2.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 19th DECEMBER, 2024

ORAL JUDGMENT : (Per : Abhay J. Mantri, J.)

Heard. **ADMIT.** By consent of the learned Counsel for the parties, the application is heard finally.

2. By this application, the applicants seek to quash the First Information Report (*FIR*) dated 15-11-2020 bearing Crime No.526/2020 registered at Police Station, Akot File, Akola for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code (*IPC*).

3. Mr. Mir Nagman Ali, learned Counsel for the applicants, and Mr. J.P. Junghare, learned Counsel for non-applicant No.2, have submitted that the matter has been amicably settled between the parties. Accordingly, non-applicant No.2 does not want to proceed with the proceedings against the applicants, and she has filed an affidavit in that regard in the Court. Therefore, they have prayed for the disposal of the application.

4. In short, the facts are that the marriage of applicant No.1 and non-applicant No.2 was solemnized on 07-11-2018 as per rights and customs

prevailing in their community. Applicant Nos.2 to 5 are in-laws of non-applicant No.2. On account of marital discord, on 15-11-2020, non-applicant No. 2 lodged a report against the applicants with Akot File Police Station, Akola alleging that they were subjected to her cruelty on account of demand of dowry, based on which offence punishable under Sections 498-A, 504 and 506 r/w 34 of the IPC came to be registered against the applicants vide Crime No.526/2020.

5. Being aggrieved by the registration of the said first information report, the applicants filed this application under Section 482 of the Criminal Procedure Code to quash and set aside the same since the allegations made therein do not constitute the commission of any offence. By order dated 17/04/2024, permission was granted to file the Charge Sheet.

6. Perusal of the record shows that during the pendency of the application, the dispute was resolved amicably between the applicants and non-applicant No.2. Accordingly, non-applicant No.2 filed an affidavit in the Court stating that the matter has been settled between her and the applicants and, therefore, she does not want to proceed against the applicants and has given no objection to quash the proceedings. They also agreed that non-applicant No.2 will withdraw the maintenance and domestic violence proceedings.

7. Applicant No.1 and non-applicant No.2, along with her father, are present before the Court. Their respective counsel has identified them. Applicant No.1 and non-applicant No.2 have submitted that the matter has been amicably settled between her and the applicants. Therefore, she does not want to proceed with the report/complaint against them, and she has given no objection to quash and set aside the first information report and the proceedings arising from the same.

8. Thus, the matter has been amicably settled between the parties. Pursuant to the same, non-applicant No.2 filed an affidavit before the Court, stating that she does not want to proceed with the first information report and the subsequent proceedings against the applicants and has given no objection to quash the first information report. Moreover, the nature of the offence is neither antisocial nor heinous, but the same arose out of the marital dispute. Therefore, in our view, there is no reason to continue with the prosecution.

9. In the wake of the above, it would be appropriate to allow the application in terms of the settlement as it would not cause prejudice to any of the parties.

10. In the backdrop of the above, we are satisfied that the case is made out to exercise our inherent powers to secure the ends of justice and

to prevent the abuse of the process of law. Hence, we pass the following order.

- (i) The criminal application is allowed.
- (ii) The First Information Report dated 15-11-2020 bearing Crime No.526/2020 registered at Police Station, Akot File, Akola for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the IPC, against the applicants and further proceedings, if any, arising out of the said first information report is hereby quash and set aside.
- (ii) Pending applications, if any, be disposed of accordingly.
- (iii) The application is disposed of in the above terms.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

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