



Judgment

912 apl 1332.24

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

CRIMINAL APPLICATION (APL) NO. 1332/2024

1. Nadim Ahemad Mohd. Imam,
Bhawaniwale, aged about 34 yrs.,
Occ. Labour, R/o. near Thondgaon
Masjid, Bagwan Pura, Washim,
Tq. & Dist. Washim.
2. Yasin Kasan Choudhari,
aged 31 yrs, Occ. Labour,
R/o. Surkandi, Tq. & Dist.
Washim.

... **APPLICANTS**

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station, Malegaon,
Tq. Malegaon, Dist. Washim.
2. Shabbir Kasam Reghiwale,
Aged about 34 yrs., Occ.
Agriculturist, R/o. Medshi,
Tah. Malegaon, Dist. Washim.

...**NON-APPLICANTS**

Mr. S.D. Chande, Advocate for applicants.
Mrs. M. Deshmukh, APP for non-applicant No.1.
Mr. Onkar Kale, Advocate for non-applicant No.2.

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

DATE : 30.09.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report (“FIR”) vide Crime No. 208/2024 registered with Police Station Malegaon, Dist. Washim for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code on account of settlement.

4. It is prosecution case that informant Shabbir Reghiwale’s sister namely Sahira Wasim Bhaniwale got married with Wasim Imam Bhawaniwale. There was matrimonial discord in informant’s sister family, hence family members tried to resolve the dispute. On such background, on 07.05.2024 informant’s maternal uncle Ninnu was assaulted by means of knife by applicant No.1. Nadim who is real brother of Wasim. So also, applicant No.2 Yasin also kicked and dealt fist blow to uncle Ninnu, therefore, the Police report.

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5. During the course of investigation, the parties have settled the dispute out of the Court. The informant as well as injured Ninnu have appeared before us and filed their affidavit stating that the matter is settled and they do not desire to go with the prosecution. They have submitted that even prior to the marriage of Sahira with Wasim, the parties are related to each other. There was misunderstanding between the parties and due to anger, Nadim who is brother of husband Wasim, assaulted Sahira's maternal uncle Ninnu. It is submitted that marriage between Sahira and Wasim is in subsistence and the parties are trying to settle the entire dispute. The learned counsel appearing for applicants would submit that disposal of this case by quashing would further to save the marital life in between Sahira and Wasim and also help to maintain harmony between the two parties. With the said object, informant and injured Ninnu have agreed and accordingly the matter is settled.

6. We have gone through the incident as a whole coupled with injury certificate. Though it was assault by means of knife at stomach, however within 8 to 10 days, the injured was discharged. Informant Shabbir and injured Ninnu have appeared before this Court. They have given no objection to quash the proceeding.

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7. The learned APP pointed that applicant No.1 Nadim is absconding since registration of crime. He failed to secure pre-arrest bail in the Trial Court as well as in this Court. Be that as it may, the injured has fully recovered within 8 to 10 days. The parties are relatives of each other since long. The settlement was made to save marital life of Sahira and Wasim. Considering the peculiarity of the case, we deem it appropriate to invoke our inherent powers. The learned counsel for applicants submits that the applicant would pay sum of Rs. 30,000/- towards cost.

8. In view of above, application is allowed. We hereby by quash and set aside FIR vide Crime No. 208/2024 registered with Police Station Malegaon, Dist. Washim for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code on account of settlement.

9. The applicants shall deposit sum of Rs. 30,000/- within two weeks from today to the Government Pleader Office Library, High Court, Nagpur.

10. Stand over to 08.10.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)