



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

CRIMINAL APPLICATION (APL) NO. 301 OF 2024

1. Mr.Tausif Sheikh Shamim Sheikh, Aged .
27 years, Occup.Service, (Husband of
N.A.No.2).
2. Mr.Shamim Sheikh Ameen Sheikh, Aged
about 54 years, Occup.Private (Father in
law of N.A.No.2.)
- 3 Smt. Nahit Sheikh Shamim Sheikh, Aged
48 years, (Mother in law of N.A.No.2)
- 4 Mr.Aameen Sheikh Jabbar, Aged 76 years,
Occup.Nil, (Grandfather-in-law of N.A.
No.2.
- 5 Hamida Sheikh Aamin, Aged 68 years,
Occup.Nil. (Grandmother-in-law) of
N.A.No.2
- 6 Mr.Aquib Sheikh Shamin, Aged 22 years,
Occup. Student, (brother-in-law of N.A
No.2).
- 7 Arisha Sheikh Fatema, Aged 21 years,
Occup.Nil. (sister-in-law of N.A. No.2) All
the above applicants Nos.1 to 7 are
residing at R/o Plot No.139, Near Kashish
Kirana Store, New Thakur Plot Bidipeth
Umred Road, Nagpur.

Applicants

-Versus-

1. State of Maharashtra, Through PSO
Sakkardara, Tahsil and district Nagpur.

2. Fatema Tabassum Shabaj Khan, Aged 27 years, Occup.House wife, (Wife of applicant No.1), R/o Plot No.109, Chaitneshwar Nagar Lata Mangeshkar Layout, Near Swami Gajanan High School, Kharbi, Nagpur. **Respondents** .

 Mr.I Haque, counsel for the applicant..
 Mr. I.J.Damle A.P.P for non-applicant -State
 Ms.S.S.Firdos, counsel for non-applicant No.2.

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

DATE :11th March, 2024

ORAL JUDGMENT (Per : Vinay Joshi, J.)

Heard.

2. **Admit.** The application is heard finally with the consent of the learned counsel for the parties.

3. This is an application seeking to quash the charge-sheet bearing No.172 of 2023 arising out Crime No.0243 of 2023, registered with Police Station Sakkardara, District Nagpur City for the offences punishable under Sections 498-A,323,504 and 506 r/w 34 of the Indian Penal Code on account mutual settlement.

4. The informant lady got married with respondent No.1-husband on 15.01.2020. After marriage, she started to leave with

her husband and in-laws however, feeling matrimonial harassment, she has lodged the report. The police have carried out investigation and on completion of investigation, filed charge-sheet. With the aid and intervention of relatives, the matter has been amicably settled. Both have realised that it is difficult for them to live together due to temperamental differences. Therefore, both have decided to sever marital ties and accordingly, executed Khulanama. The informant gave her no objection to quash the FIR on account of settlement. Today, the informant lady is present before us. She is identified by her learned Advocate Ms.Sayeda Sumaiya Firdos. The informant has stated that she has no objection to quash the proceedings. The informant has also filed an affidavit to that effect. The offences are of matrimonial nature which has no social impact, nor can be termed as serious or heinous. The couple by their choice has separated and now to patch up the differences, they have decided for not to prosecute further so as to secure smooth future. Already, the matter is settled hence, we have no hesitation in exercising our judicial discretion.

5. In view of above, the application is allowed and disposed

of. We, hereby quash and set aside the charge-sheet bearing No.172 of 2023 arising out Crime No.0243 of 2023, registered with Police Station Sakkardara, District Nagpur City for the offences punishable under Sections 498-A, 323, 504 and 506 r/w 34 of the Indian Penal Code.

(VRUSHALI V. JOSHI, J)

(VINAY JOSHI, J)