



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

CRIMINAL APPLICATION (APL) NO. 484 OF 2024

1. Nashit Iqbal s/o Khalil Khan,
Age 31 yrs, occ. Service,
R/o Rehmat Nagar, Golibar Chowk,
Darwaha, District Yavatmal
2. Sohema Farhat w/o Imran Khan
Age 35 yrs, Occ. Housewife,
R/o Bajarang Ward Vasant Nagar,
Pusad, Dist Yavatmal
3. Sabah Firdous w/o Shaikh Meheboob,
Age 35 yrs, Occ. Assistant Teacher,
R/o Aman Colony, Karanja Road,
Darwaha, Dist Yavatmal
4. Darakshan Jabeen w/o Rehan Ahmed Shaikh,
Age 30 yrs, occ. Housewife,
R/o Habib Nagar Akola,
Dist Akola
5. Adiba Khanam w/o Abdul Nazim,
Age 29 yrs, Occ. Housewife,
R/o Mahatma Phule Nagar,
Risod, Dist. Washim.
6. Maimuna Zishan Zarin d/o Khalil Khan,
age 25 yrs, occ. Student,
R/o Bajrang Ward, Vasant Nagar,
Pusad, Dist Yavatmal
7. Khalil Khan s/o Mustafa Khan,
age 61 yrs, Occ. Nil,
R/o Rehmat Nagar, Golibar Chowk,
Darwaha, Dist Yavatmal
8. Abdul Basit s/o Khalil Khan,
age 21 yrs, Occ. Student,

R/o Bajrang Nagar, Vasant Nagar,
Pusad, Dist Yavatmal

..... APPLICANTS

...V E R S U S...

1. The State of Maharashtra,
Police Station Patur, through PSO,
Dist Akola

2. Jaweriya Firdous w/o Nashit Iqbal,
Age 26 yrs, occ Household,
r/o Badshah Nagar, Patur,
Tq. Patur, Dist Akola

.....NON-APPLICANTS

Ms. Isha Thakare, Advocate for applicants.
Mr. A.V. Palshikar, APP for non-applicant No.1/State.
Mr. M.N. Ali, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 18.12.2024

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

Heard. Admit. By consent of the learned Counsel for the parties, the matter is taken up for the final disposal.

2. This is an application to quash and set aside the First Information Report, No. 401/2023, dated 18.08.2023, registered at Patur Police Station, District Akola, for the offences punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code ("IPC", - for short) and subsequent filing of the Chargesheet No. 140/2023 dated 09.11.2023 registered as Regular Criminal

Case No. 217/2023 pending before the learned Judicial Magistrate First Class, Patur, pursuant to the said FIR.

3. Ms. Isha Thakare, the learned Counsel for the applicants, and Mr. M.N. Ali, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties. Therefore, non-applicant No. 2 does not want to proceed further against the applicants and has prayed for the disposal of the application in view of the matter compromised between the parties.

4. In short, the facts are that the marriage of applicant No. 1 and non-applicant No. 2 was solemnized on 17.10.2017 as per customs and rites prevailing in their community. Applicant Nos. 2 to 8 are the in-laws of non-applicant No. 2. On account of matrimonial discord on 18.08.2023, non-applicant No. 2 lodged a report against applicants with Patur Police Station alleging that the applicants subjected her to cruelty on account of the demand for dowry. Based on the complaint, offences punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code have been registered against them.

5. During the pendency of the application, a Chargesheet was filed in the trial Court; therefore, leave was granted to the applicants to challenge it. Being aggrieved by the registration of the FIR, filing of the chargesheet, and pendency of the criminal case, pursuant to the FIR as stated above, the applicants filed this application to quash and set aside the same.

6. Today, applicant No. 1 and non-applicant No. 2 along with her father, are present before the Court and are identified by their respective counsel. They have stated before us that the matter has been compromised between the non-applicant No.2 and the applicants. Non-applicant No. 2 further volunteers that since the compromise had taken place, she does not want to proceed further with the criminal proceedings pending before the applicants and voluntarily accorded non-objection to quash the criminal proceedings. Thus, it seems that the matter has been amicably settled between the parties. *Moreover*, the nature of the offence is neither heinous nor anti-social, but the same arises out of the marital dispute. Therefore, in our view, there is no reason to continue with the prosecution.

7. In the wake of the above, it would be proper to allow the application in terms of the settlement as stated above, as it would not cause prejudice to any of the parties. We are satisfied that the case is made out to exercise our inherent powers to secure the ends of justice and to prevent abuse of the process of the law. Hence, we pass the following order:

(i) The Criminal Application is allowed.

(ii) We hereby quash and set aside the First Information Report bearing No. 401/2023, dated 18.08.2023, registered at Patur Police Station, District Akola and the filing of Chargesheet No. 140/2023 and the Regular Criminal Case No. 217/2023 pending before the learned Judicial Magistrate First Class, Patur, pursuant to said FIR, for the offences punishable under Sections 498-A, 504, *read with Section 34* of the Indian Penal Code.

(iii) The application stands disposed of in the above terms.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)