



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

CRIMINAL APPLICATION (APL) NO. 1386 OF 2024

1. Mir Tousif Ali Mir Asif Ali Sayed,
Aged about 35 years, Occ. Private,
(Husband).
2. Husna Ara Mir Asif Ali Sayed,
Aged about 60 years, Occ. Household,
Both R/o. 3366/B, Patve Galli,
Chopda Jijalgao, Jalgaon, District Jalgaon. ... **APPLICANTS**
(Mother-in-Law)

...VERSUS...

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Gittikhadan, Nagpur.
2. Saleha Tousif Ali Sayed,
Aged about 32 years, Occ. Household,
R/o. Flat No.20-B, Koar Apartment,
Prashant Nagar, Nagpur. ... **NON-APPLICANTS**
(Or. Informant)

Mr. B. Dafle, Advocate for Applicants.
Ms K. H. Bhodge, A.P.P. for Non-applicant/State.
Mr. R. S. Kale, Advocate for Non-applicant No.2.

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

DATED :- **27.09.2024**

ORAL JUDGMENT (PER : VINAY JOSHI, J.):-

1. Heard.
2. **ADMIT.** The matter is taken up for final disposal by consent of
learned Counsel appearing for the parties.

3. This is an application seeking to quash First Information Report vide Crime No.291/2024 registered with Police Station Gittikhadan, Nagpur for the offence punishable under Sections 498-A, 500, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 on account of settlement.

4. The couple was married in the year 2021 but within short time due to temperamental differences, they started to reside separately. The informant has lodged report alleging matrimonial cruelty. Both are young having no issue, hence, they decided to sever the matrimonial ties in permanency. Accordingly, they have obtained customary divorce and as a part of a settlement wife has also agreed to withdraw the criminal prosecution.

5. The informant has filed a reply stating about settlement, divorce and her no objection to go on with the prosecution. The informant is present before us, who is identified by her Counsel. The informant has reiterated the contents of the reply by stating her non-inclination. She has also stated that she has waived her right of maintenance since she is Medical Practitioner.

6. It is a matrimonial dispute, which cannot be termed as heinous or anti-social. The parties as per their choice sever the matrimonial ties and thus, in above circumstances, continuation of prosecution amount to abuse of the process of the Court.

7. In view of the above, the application is allowed. We hereby quash and set aside the First Information Report vide Crime No.291/2024 registered with Police Station Gittikhadan, Nagpur for the offence punishable under Sections 498-A, 500, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 against the applicants only.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)