

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

29 CRIMINAL APPLICATION NO. 1077 OF 2024

SHAIKH RIZWAN MOHMMAD SALIM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
INVESTIGATION OFFICE AND ANOTHER

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Mr. Syed Parvez, Advocate holding for Mr. Shaikh Mohammad
Naseer, Advocate for the applicants.

Mr. N.S. Tekale, A.P.P. for respondents – State.

Mr. Mudassir H. Shaikh, Advocate for respondent No.2.

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**CORAM : SANDIPKUMAR C. MORE AND
MEHROZ K. PATHAN, JJ.**

DATED : 6 OCTOBER 2025

Per Court :

1. None for the applicants. Leave to carry out the amendment in the application is granted in view of the order in the case of ***Pradnya Pranjal Kulkarni vs State of Maharashtra an another [Petition (s) for Special Leave to Appeal (Cri.) No. 13424 of 2025]*** passed by the Hon'ble Supreme Court on 03.09.2025.

2. Stand over to 10.11.2025.

Later on

3. Learned counsel for respondent No.2 filed affidavit-in-reply of respondent No.2 on record alongwith copy of judgment dated 03.02.2025 in R.C.S. No. 174/2024 whereby marriage

solemnized between present applicant No.1 and respondent No.2 is dissolved by virtue of Khulanama dated 25.10.2024.

4. Heard rival submissions.

5. The applicants are seeking quashing of F.I.R. No. 75/2023 registered with Yawal Police Station, District Jalgaon lodged by present respondent No.2 for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code alongwith consequent charge-sheet bearing No. 91/2023 and criminal proceeding arising out of the same bearing R.C.C. No. 144/2023, presently pending before the learned Judicial Magistrate, First Class at Yawal.

6. On going through the affidavit-in-reply, it is evident that during pendency of this application, learned Civil Judge, Junior Division, Bhusawal has dissolved marriage between applicant No.1 and respondent No.2 vide judgment dated 03.02.2025 in R.C.S. No. 174/2024. Respondent No.2 in her affidavit-in-reply has specifically stated that she and applicant No.1 are living separately and they also got divorce as per Khulanama. She has further stated that she does not want to proceed with the aforesaid F.I.R. and subsequent criminal proceeding and has no objection to quash the present FIR, charge-sheet and criminal proceeding thereof.

7. In view of the above, continuation of criminal proceeding against the applicants would be an abuse of process of law. As such, the application stands allowed in terms of prayer clause (B) and First Information Report bearing C.R. No. 75/2023 registered with Yawal Police Station, Dist. Jalgaon, for the offences under sections 498(A), 323, 504, 506, 34 of Indian Penal Code, consequent charge-sheet bearing No. 91/2023, dated 29.07.2023 and the criminal proceeding arising therefrom bearing R.C.C. No. 144/2023, pending before the learned Judicial Magistrate, First Class, Yaval, are quashed and set aside.

8. The application is accordingly disposed of.

(MEHROZ K. PATHAN)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE