



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1925 OF 2022

1. Awais Ahmed Khan s/o Chand Khan
 2. Farha Amreen w/o Chand Khan Pathan
 3. Maheboob Sirajodin Shaikh
 4. Sohaib Ahmed Khan s/o Chand Khan
 5. Akhtar Begum w/o Chand Khan
 6. Pathan Chand Khan s/o Sarvar Khan
 7. Rubeena Begum Pathan
 8. Shaikh Abdul Feroaz s/o Shaikh Hakeem
- .. Applicants**

Versus

1. The State of Maharashtra
Through Police Station Bhagyanagar,
Nanded.
 2. Neha Masrat Mohammad Nazeer Ali
- .. Respondents**

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Mr. Sohail Subhedar h/f Mr. Nilesh S. Ghanekar, Advocate for the applicants.
Mrs. R. P. Gour, APP for respondent No.1/State.
Mr. M. M. Rupanwad, Advocate for respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 02 JULY 2025

ORDER :

. Present application has been filed for quashing the FIR vide Crime No.78 of 2022 registered with Bhagyanagar Police Station, Nanded for the offences punishable under Sections 498-A, 307, 324, 323 read with Section 34 of Indian Penal Code, under Sections 3, 4 and 7 of Muslim Women (Protection of Rights on Divorce) Act, 1986.

2. Learned Advocate for the applicants and learned Advocate for respondent No.2 rely on the copy of the compromise memo in P.W.D.V.A. No.61 of 2022 before the learned Judicial Magistrate First Class, Nanded. Here, the relationship between the parties is not denied. Applicant No.1 is the husband of respondent No.2 and the applicant Nos.2 and 8 are the relatives of the husband. The marriage was solemnized on 14.06.2017 as per the Muslim rites and now, the FIR has been lodged for the above-said offences. As regards Section 307 of Indian Penal Code is concerned, the informant has stated that she was attacked on 27.02.2022. Petrol was poured on her person. She was assaulted with a heavy object on her head causing serious injury to her head. When the accused were about to ignite the matchstick, she had raised voice and then she says that when her father and the brothers came, the husband had pronounced Talaq thrice and fled away. The FIR has been lodged on 03.03.2022. The CA report in respect of the clothes on the person of respondent No.2 shows that "result of the test for detection of petrol residues on Exhibit-1, 2 and 3 are positive". So also, it appears that serious injury was caused to the head of respondent No.2. Now, it appears that there is a compromise and applicant No.1 and respondent No.2 have decided to part. The total settlement amount that has been given is Rs.15,00,000/- and it appears that the custody of the minor children has been given to respondent No.2. We do not find

prima facie that the said FIR was tainted with malice, yet as usual the informant is saying that she had lodged the said FIR due to misunderstanding between herself and the respondents. We failed to understand how in such matters, the misunderstanding would get realized to the informant after the compromise. Every compromise is not binding on the Courts and when it comes to quashing of the FIR or the proceedings on the basis of compromise, duty is cast on the Court, before which such compromise is placed, to see whether the compromise is in the interest of the parties, whether it is not going to have any effect on the society at large, because if in other similar matters also such kind of trend is followed, then it would be a dangerous trend. Lodging of the FIR and thereby setting criminal law in motion is not to be taken lightly. Once the criminal law is set in motion, then it has to be taken to its logical end, but in the meantime, if there is any compromise, then the Court will have to see whether it is the outcome of some other dealings behind the curtain or there was pressuring tactics or any such act which will induce the complainant/informant to come to the terms of settlement. Of course, in matrimonial disputes, the Courts are liberal in accepting the compromise when it comes to resumption of cohabitation. But when parties decide to part happily it is also welcomed, but it is with a rider. Usually, the terms are drafted upon instructions but in legal terms by the Advocates and, therefore, we see stereotyped

reason i.e. misunderstanding written in such compromise terms and, therefore, we are expressing surprise as to how the misunderstanding gets realized only after the compromise terms are entered into.

3. Now, we see the possibility of informant getting hostile in view of the said terms and, therefore, with the said addition of reason and as the matter is between the husband and wife, we allow the compromise to take place in respect of the present FIR.

4. Before passing the final order, we must observe that in view of the said FIR as well as the P.W.D.V.A. proceedings, it appears that the husband has come to the terms of compromise. Even the husband as well as respondent No.2 have utilized the machinery. We would have imposed cost on respondent No.2 for utilizing the machinery, however, taking into consideration her financial condition, we are restraining ourselves, however, we impose cost on applicant No.1.

5. With these observations, we proceed to pass the following order :-

ORDER

I) Criminal Application stands allowed.

II) The FIR vide Crime No.78 of 2022 registered with Bhagyanagar Police Station, District Nanded for the offences

punishable under Sections 498-A, 307, 324, 323 read with Section 34 of Indian Penal Code, under Sections 3, 4 and 7 of Muslim Women (Protection of Rights on Divorce) Act, 1986, stands quashed and set aside as against the present applicants.

III) Applicant No.1 is directed to deposit amount of Rs.10,000/- to the High Court Legal Service Sub Committee, Aurangabad within a period of two weeks from today.

IV) We make it clear that in case of failure on the part of applicant No.1 to deposit the said amount within the aforesaid period, the order of quashment as against him would be cancelled, resulting in revival of the FIR as against him.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm