



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

CRIMINAL APPLICATION NO. 1989 OF 2019

ATHAR KHAN S/O. WAHEED KHAN AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicants : Mr. Swapnil B. Joshi a/w
Adv. Ojal A. Deshpande h/f Mr. Patunkar Swapnil S

APP for Respondent No.1/State : Mr. N.S. Tekale

Advocate for Respondent No.2 : Mr. Kale Mahesh P.

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

Dated : 30th September 2025

PER COURT :

1. By way of this application, the Applicants are seeking quashment of F.I.R. bearing Crime No.73/2017 dated 21.02.2017 registered against them with Mondha Police Station, Parbhani under Sections 323, 494, 498A, 504, 506 read with 34 of the Indian Penal Code and the subsequent criminal proceeding bearing RCC No.105/2018 pending before the learned Chief Judicial Magistrate, Parbhani.

2. Learned Counsel for the Applicants submits that though the aforesaid criminal proceedings are initiated by the present Respondent No.2 i.e. wife of Applicant No.1 (Athar Khan), but before present application is filed, there was settlement between Applicant

No.1 and Respondent No.2 in Criminal M.A. No.178/2014 filed under the provisions of Protection of Women from Domestic Violence Act, 2005 by the Respondent No.2.

3. Learned Counsel for Respondent No.2/wife has also confirmed this fact. As such, the Applicants are praying quashment of the criminal proceedings on settlement.

4. The Applicants have placed on record a copy of settlement deed in the aforesaid application which was exhibited as Exhibit-37. On going through the said settlement deed, it appears that the present Applicant No.1 and Respondent No.2 filed joint pursis in the said Criminal Application No.178/2014 mentioning that Applicant No.1 paid an amount of Rs.1,75,000/- to Respondent No.2 towards future maintenance and also Rs.3000/- towards *Maher and iddat*. It was also agreed between them that the present Respondent No.2/wife would withdraw all the cases pending before the various Courts between them with the allegations leveled against the Applicants. It further appears that Respondent No.2 has also executed *Khula Nama* and specifically agreed to file application for quashing of the aforesaid criminal proceeding, which is pending before us. It is to be noted that vide order dated 17.04.2019, the 3rd Judicial Magistrate First Class, Parbhani has also permitted to withdraw the aforesaid Criminal M.A. No.178/2014 in view of withdrawal pursis Exhibit-38 and the aforesaid compromise deed Exhibit-37.

5. It appears that the parties have already acted upon the compromise deed Exhibit-37 and as per the said compromise deed, they have filed the present application for quashing of F.I.R. alongwith the criminal proceeding. In view of the same, we are of the opinion that continuation of criminal proceedings against the Applicants would be abuse of process of law. Under such circumstances, we deem it appropriate to allow the present application.

6. As such, the Criminal Application stands allowed in terms of prayer clause 'C' and the proceeding of Regular Criminal Case No.105/2018 pending on the file of learned Chief Judicial Magistrate, Parbhani arising out of F.I.R. dated 21.02.2017 registered as Crime No.73/2017 with new Mondha Police Station, Parbhani is hereby quashed and set aside.

7. With this, the Criminal Application is disposed of.

MEHROZ K. PATHAN
JUDGE

SANDIPKUMAR C. MORE
JUDGE