



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

129 CRIMINAL APPLICATION NO.2485 OF 2019

- 1 Abdul Kayyum s/o Bashir Khan,
Age 30 yrs., Occ. Business,
R/o Plot No.1, Gat No.144,
Urja Nagar, Near Ayyapa Mandir,
Satara Parisar, Aurangabad.
- 2 Firoz Khan s/o Bashir Khan,
Age 38 yrs., Occ. Business,
R/o Plot No.1, Gat No.144,
Urja Nagar, Near Ayyapa Mandir,
Satara Parisar, Aurangabad.
- 3 Shaikh Tabassum w/o Shaikh Samad,
Age 41 yrs., Occ. Household,
R/o Plot No.36, Kausar Park,
Deolai Chowk, Deolai Road,
Aurangabad.

... Applicants

... Versus ...

- 1 The State of Maharashtra
- 2 Shaikh Laik Shaikh Umar Shaikh,
Age 50 yrs., Occ. Business,
R/o Bundelpura, Old Bhaji Mandi,
Beed, Tq. & Dist. Beed.

... Respondents

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Mr. Harish Adwant, Advocate h/f Mr. S.V. Adwant, Advocate for applicants

Mr. A.D. Wange, APP for respondent No.1

Mr. S.S. Kazi, Advocate for respondent No.2

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WITH
CRIMINAL APPLICATION NO.3653 OF 2024
IN
CRIMINAL APPLICATION NO.2485 OF 2019

...

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

DATE : 18th JULY, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

. Criminal Application No.2485 of 2019 has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashment of First Information Report vide Crime No.266/2019 dated 18.07.2019 registered with Satara Police Station, Aurangabad and later on for quashing the Charge Sheet No.195/2019 i.e. proceedings in Regular Criminal Case No.2398/2019 pending before Judicial Magistrate First Class, Aurangabad, for the offence punishable under Section 498-A, 304-B, 306 read with Section 34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2 The applicants and respondent No.2 have filed **Criminal**

Application No.3653 of 2024 in Criminal Application No.2485 of 2019 for allowing them to compound the offences set out therein. The terms of compromise mentioned in the Criminal Application No.3653 of 2024 have been got verified through Registrar (Judicial) and learned Registrar (Judicial) has submitted his report dated 06.01.2025. Respondent No.2 has now decided to bury the differences and has given no objection for quashment of First Information Report and the proceedings. Respondent No.2 – informant submits that he filed First Information Report due to misunderstanding and due to the emotions in respect of his deceased daughters. He was under tremendous pressure as a result of untimely death of his daughter on 18.07.2019 and then initially was under wrong impression that the accused persons have committed murder of his daughter. Respondent No.2 has therefore given no objection for quashing of the proceedings.

3 Important point to be noted is that while First Information Report was filed, it was under Section 302 of the Indian Penal Code, however, after the investigation, the police have added Sections 498-A, 304-B, 306 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act by deleting Section 302 of the Indian Penal Code. Now, the question is, the ingredients in the said offence are different. In the First Information Report there is absolutely no mention as to how much amount is demanded. But it

is stated that deceased was harassed on the count that the marriage was not performed in a grand way. Unfortunately, the death is within a period of 1½ year and it is stated that the death is by hanging. Postmortem Report also states cause of death was 'Asphyxia due to hanging'. The statements of witnesses are on the same line as the First Information Report. The deceased had carried pregnancy in between and then it is alleged that she was cursed on the ground that there were mishaps in the house. Therefore, it appears that at that time due to some misunderstanding or under some misconception that she was harassed the First Information Report appears to have been lodged. But, now, the informant is taking back the allegations. Therefore, there is no hurdle in accepting the compromise. Hence, following order.

ORDER

- i) Criminal Application No.2485 of 2019 stands allowed.
- ii) The Charge Sheet No.195/2019 i.e. proceedings in Regular Criminal Case No.2398/2019 pending before Judicial Magistrate First Class, Aurangabad arising out of First Information Report vide Crime No.266/2019 dated 18.07.2019 registered with Satara Police Station, Aurangabad, for the offence punishable under Sections 498-A, 304-B, 306 read with Section 34 of

the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961, stands quashed and set aside as against applicants viz.

1) **Abdul Kayyum s/o Bashir Khan**, 2) **Firoz Khan s/o Bashir Khan** and 3) **Shaikh Tabassum w/o Shaikh Samad**.

iii) Criminal Application No.3653 of 2024 stands disposed of.

(**SANJAY A. DESHMUKH, J.)**

(**SMT. VIBHA KANKANWADI, J.)**

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