



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2880 OF 2022

1. Arshad s/o Nuruddin Shaikh
Age: 24 years, Occu.: Labour,
2. Asim @ Azharoddin Nuruddin Shaikh
Age: 31 years, Occu.: Labour,
R/o. Balaji Complex, Near Police Station,
Lasalgaon, Tq. Niphad, Dist. Nashik.
3. Nuruddin Husnoddin Shaikh
Age: 61 years, Occu.: Nil,
R/o. Balaji Complex,
Near Police Station, Lasalgaon,
Ta. Niphad, Dist. Nashik.
4. Jaheda Nuruddin Shaikh
Age: 45 years, Occu.: Housewife,
R/o. Balaji Complex, Near Police Station,
Lasalgaon, Tq. Niphad, Dist. Nashik.

.. Applicants

Versus

1. State of Maharashtra
Through the Investigation Officer,
MIDC Police Station, Dist. Aurangabad.
2. Shabana w/o Arshad Shaikh,
Age: 22 years, Occu.: Business,
R/o. Ahilyadevi Chowk,
Kamgar Colony, Chikalthana,
Aurangabad.

.. Respondents

....

Mr. A. D. Soman, Advocate for applicants.
Mrs. R. P. Gour, APP for respondent No.1/State.
Mr. Imran Khan Guftar Khan Durrani, Advocate for respondent No.2.

...

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

DATE : 03 APRIL 2025

ORDER :

. Present Application has been filed for quashing the proceedings in R.C.C. No.2244 of 2021 pending before the learned Judicial Magistrate First Class, Aurangabad arising out of the First Information Report vide Crime No.134 of 2021 registered with MIDC CIDCO Police Station, Aurangabd, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate Mr. A. D. Soman for the applicants, learned APP Mrs. R. P. Gour for respondent No.1 and learned Advocate Mr. Imran Khan Guftar Khan Durrani for respondent No.2.

3. The matter is arising out of the matrimonial dispute. It appears that the marriage of applicant No.1 and respondent No.2 were solemnized on 29.12.2018. Present applicants are the relatives of husband of respondent No.2. During the pendency of this application, compromise has been arrived at between the applicants and the informant – respondent No.2. As per the terms of compromise, it is stated that applicant No.1 and respondent No.2 are residing separately from more than two years. Further, it is stated that there is temperamental differences between both the parties and therefore, they have taken divorce (*Khulla* – divorce as per Muslim religion) at Chikalthana Masjid, Aurangabad on 11.03.2024 and dissolved their marriage by mutual consent and as per mutual terms, applicant No.1 had paid amount of Rs.2,00,000/- to respondent No.2. On the basis of said *Khullanama*, respondent No.2 had filed

withdrawal pursis in the proceedings bearing P.W.D.V.A. No.327 of 2021 before learned Judicial Magistrate First Class, Aurangabad and accordingly, the concerned Court has disposed of the said matter as withdrawn vide order dated 21.06.2024. It appears that now both the parties have settled all their disputes amicably. Accordingly, the terms of settlement have been filed and those have been got verified through the learned Registrar (Judicial) of this Court and he has submitted report on 15.01.2025. Taking into consideration the terms of compromise, we find that this is a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure for quashing the proceedings. Hence, the following order:-

ORDER

- I) The Application stands allowed.
- II) The proceedings in R.C.C. No.2244 of 2021 pending before the learned Judicial Magistrate First Class, Aurangabad arising out of the First Information Report vide Crime No.134 of 2021 registered with MIDC CIDCO Police Station, Aurangabd, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, stand quashed and set aside as against the present applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm