

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CRIMINAL WRIT PETITION NO. 1634 OF 2024

Shaikh Riyaz Shaikh Hussain And Others

VERSUS

The State Of Maharashtra And Another

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Advocate for the Petitioners : Bakal Vishal P.

APP for Respondent/State : Mr. A. R. Kale

Advocate for Respondent No.2 : Mr. R. S. Patil

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**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATED : 06 JANUARY 2025

PER COURT :-

1. Present petition has been filed for quashing the criminal appeal No.45 of 2020 pending before the learned Sessions Judge, Aurangabad arising out of the FIR vide C.R. No.171 of 2012 for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. It will not be out of place to mention here that respondent No.2 (the original informant) has filed affidavit regarding the compromise. Verification has been got done through learned Registrar (Judicial) before whom the contents have been reiterated by the parties.

3. The petitioners were acquitted by learned Judicial Magistrate First Class, Paithan however, it appears that the State has preferred

appeal. Thus, the appeal is pending, however, now there is compromise between respondent No.2/wife and petitioner No.1/husband. They have decided to part with and even one time settlement amount has also been received by respondent No.2 and she has no objection for quashing the FIR and the appeal.

4. Taking into consideration the developments those have taken place, this is a fit case where we can exercise our powers under Article 226 of the Constitution of India together with Section 482 of Cr. P .C. Accordingly, the Writ Petition stands allowed.

5. Criminal Appeal bearing No.45 of 2020 pending before learned Sessions Judge, Aurangabad arising out of RCC No.231 of 2013 decided by learned Judicial Magistrate First Class, Paithan, District, Aurangabad on 11.12.2019 and the FIR vide C.R. No.171 of 2012 for the offence punishable under Sections 498-A 323, 504 and 506 read with Section 34 of IPC and Section 3 and 4 of Dowry Prohibition Act, 1961 stands quashed and set aside as against all the applicants, namely, (1) Shaikh Riyaz Shaikh Hussain (2) Shaikh Hussain Shaikh Sardar (3) Shaikh Ruksana Shaikh Hussain (4) Shaikh Rais Shaikh Hussain (5) Rijwana Begam Shaikh Rais.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE