



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 CRIMINAL APPLICATION NO. 1288 OF 2025

1. Nadimkha Abduikha Pathan,
(Husband of Res. No.3)
Age. 36 years, Occu. Service,
R/o. Ward No.27 in front of Central Jail,
Sultapura, Osmanbad,
Tq. & Dist. Osamanbad.
2. Abdulkha Rahimkha Pathan,
(Father in Law of Res. No.3)
Age.73 years, Occu. Nill,
R/o. as above.
3. Salim Abdulkha Pathan,
(Brother in Law of Res. No.3)
Age. 46 years, Occu. Labor,
R/o. as above.
4. Shamshodidin Abdulkha Pathan,
(Brother in Law of Res. No.3)
Age.43 years, Occu. Tailor,
R/o. as above.
5. Dilshad Salim Pathan,
(Wife of applicant No. 3)
Age 36 years, Occu. Housewife,
R/o. as above.
6. Mehraj Shamshoddin Pathan,
(Wife of applicant No. 4)
Age. 23 years, Occu. Housewife,
R/o. As above

...Applicants

Versus

1. The State of Maharashtra,
(Through the police station
Aandnagar, Dist. Osmanabad.)

2. The Superintendent of Police,
S.P. Office Osmanabad.
(Copy to be served on P.P.
High Court of Bombay bench
At Aurangabad.)
3. Sumaiyya Nadimkha Pathan,
Age.31 years, Occu. Police Constable,
R/o. Aandnagr Sultanpur Dharashiv,
Tq. & Dist. Dharashiv.
M. No. 8857891471. ...Respondents

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Advocate for Applicant : Mr. Ganesh J. Kore
APP for Respondent Nos.1 and 2: Mr. N.R. Dayama

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 9th JUNE, 2025**

PER COURT :-

1. The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the proceeding in R.C.C. No. 287 of 2024, pending before the learned Chief Judicial Magistrate, Osmanabad arising out of F.I.R. vide C.R. No. 23 of 2024, dated 01.02.2024 registered with Anandnagar police station, district Osmanabad for the offences punishable under Sections 323, 498 A, 504, 506 r/w 34 of Indian Penal Code, 1860.
2. Heard learned advocate for the applicants and the learned A.P.P. for respondent Nos. 1 and 2. There is no necessity to issue notice to respondent No.3.

3. We have seen the record of earlier application that was filed by the present applicants under Section 482 of Cr.P.C. i.e. criminal application No. 1378 of 2024. It was disposed of as withdrawn on 11.6.2024. The important point to be noted is that on that day i.e. on 11.6.2024, the matter was not on board but it was taken on board upon mentioning. Learned advocate for the applicants submitted that the matter has been amicably settled between the parties. Therefore, he had instructions to withdraw the application and therefore, the application came to be withdrawn.

4. Now learned advocate for the applicants submits that after the said amicable settlement, respondent No.3 had withdrawn the proceeding before the J.M.F.C. under the Protection of Women from Domestic Violence Act, 2005, however, thereafter she is not co-operating. Here the fact that is required to be noted is that the applicants could have sought quashment of the F.I.R. on the basis of said amicable settlement but they preferred to withdraw the application. Upon queries to the learned advocate, representing the applicants, he submits that he had explained the consequences of withdrawal of the application to the applicants. Now if respondent No.3 is not co-operating that does not give right to the applicants to invoke the power of this Court once again. No power under section

482 of Cr.P.C. can be exercised under these circumstances and therefore, we dismiss the application at the threshold.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

rlj/