

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4496 OF 2025

Shahaalam Musa Mulani & Ors. ... Petitioners

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Rushabh D. Phade for the Petitioners.

Ms. Priyanka Rane, A.P.P. for the Respondent No.1-State.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 3rd October 2025.

P. C. :

1. The Petition has been filed seeking quashing of F.I.R. No. 61 of 2012 filed with the Malshiras Police Station, District Solapur, on 12th July 2012, under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 (for short, "I.P.C."). The Petitioners in the present case are the husband and in-laws of Respondent No.2.

2. It is submitted that the dispute has been amicably settled between the parties and the Affidavit of Respondent No.2 is tendered, which is

taken on record. The Affidavit states that the Respondent No.2 is consenting to quashing of the F.I.R. as the dispute has been resolved in the year 2018 and from 20th March 2018 the Respondent No.2 is residing with the Petitioners at her matrimonial house and subsequent thereto has also given birth to a child.

3. Learned counsel appearing for the Petitioners submitted that by virtue of joint *pursis* filed in Criminal Appeal No. 07 of 2018, the Sessions Court has acquitted the Petitioners for offence under Sections 323, 504, 506 read with 34 of I.P.C. and the offence of Section 498-A of I.P.C. remained.

4. The Respondent No.2 is present in the Court. We have interacted with the Respondent No.2, who has stated that she is happily residing with her husband and in-laws at the matrimonial house and does not wish to prosecute the criminal proceeding. She would further state that after she started residing with her husband, she has given birth to a child. The Aadhar Card of the Respondent No.2 is annexed to the Affidavit, which verifies her identity.

5. The Petitioners stand acquitted of the offence under Sections 323, 504 & 506 read with 34 of I.P.C.. The allegation in the F.I.R. when perused makes it clear that the same arises out of a marital discord, which has now been amicably resolved and since the year 2018, the

parties are residing happily together and have moved further in their life.

6. Considering the nature of allegations and the amicable settlement between the parties, this is a fit case where the relief is required to be granted, as no fruitful outcome will be achieved by continuing the criminal proceeding. We draw support from the decision of the Hon'ble Apex Court in the cases of *Narinder Singh v. State of Punjab*¹ and *Gian Singh v. State of Punjab*².

7. In the light of the above, the Petition is allowed.

8. F.I.R. No. 61 of 2012 is hereby quashed and set-aside and consequently, all proceedings emanating therefrom are hereby quashed and set-aside.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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1 (2014) 6 SCC 466

2 (2012) 10 SCC 303