

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4567 OF 2025

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|--------|--|--------|-------------|
| 1. | Masood Razzak Shah |] | |
| 2. | Nasima Razzak Shah |] | |
| 3. | Kazim Razzak Shah |] | |
| 4. | Nikhat Kazim Shah |] | |
| 5. | Foujiya Nadim Shah |] | Petitioners |
| versus | | | |
| 1. | The State of Maharashtra
(through Chiplun Police Station) |]
] | |
| 2. | Falak Masood Shah,
@ Nikita Ashok Kamble, |]
] | Respondents |

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Mr. Owais A. Pechkar, for Petitioners.

Mr. Anand Shalgaonkar, A.P.P, for Respondent No.1 – State.

Mr. Shubham Upadhyay, for Respondent No.2 – Complainant.

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CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ.

DATE : 10th NOVEMBER, 2025.

ORAL ORDER: [PER AJIT B. KADETHANKAR, J.]:

1. The petitioners have preferred the present petition under Article 226 and 227 of the Constitution of India r/w section 482 of the Code of Criminal Procedure, 1973 (for short "Cr. P.C") for quashing of the First Information Report No.0067 of 2023 registered with Chiplun Police Station on 24th March, 2023. The prosecution was lodged for the offences punishable under sections 498-A, 323, 504, 506, 406, 420 and 34 of the Indian Penal Code r/w sections 3 (1) (r), 3 (1) (s), 3 (1) (g) and 3 (2) (va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The accusation culminated into Charge-sheet and came to be committed to Special Case No.12 of 2023 pending in the Court of the learned Additional Sessions Judge, Ratnagiri at Chiplun.

2. It is undisputed that the dispute arose out of matrimonial discord between petitioner No.1 and respondent No.2. First Information Report No.0067 of 2023 was registered with Chiplun Police Station on 24th March, 2023 against the Petitioners for the offences punishable under sections 498-A, 323, 504, 506, 406, 420 and 34 of the Indian Penal Code and sections 3 (1) (r), 3 (1) (s), 3 (1) (g) and 3 (2) (va) of the Prevention of Atrocities Act.

3. Today, both the parties are present before this Court together with their respective learned Counsels. Both the parties, particularly respondent

No.2/Complainant submits that dispute between her and the petitioners has been amicably settled. It is further submitted that complaint was filed out of misunderstanding. She further submits that since last two years i.e after filing of the F.I.R, parties are residing together and blessed with two kids. Respondent No.2 has even filed an affidavit in this Court stating these facts. She further submits that she is no more interested in prosecuting the crime against the petitioners. We have in clear terms questioned the Complainant/ Respondent No.2 as to whether the settlement is willful or not. The Complainant/Respondent No.2 answered that the the settlement is voluntary and with mutual understanding. She would further submit that recall of the allegation in the First Information Report is out of her free will. The Petitioner No.1 (Husband) submitted that all the parties have realized the paramount importance of a happy matrimonial relations, and regret for the unpleasant temporary disturbance in their relations. In view of this, both the parties submit that they have settled the dispute, and that the prosecution be ended.

4. We have heard petitioner No.1 and respondent No.2 personally as also through their respective Learned Counsel.

5. In view of the above, we find that continuation of the proceedings is of no use nor would be fruitful, and accordingly that needs to be quashed and set aside. Hence, the petition stands allowed in terms of prayer clause (b).

6. The charge-sheet in Special Case (Sessions) No.12 of 2023 pending in the Court of the Learned Additional Sessions Judge Ratnagiri at Chiplun stands quashed and set aside. Consequently, the Special Case (Sessions) No.12 of 2023 pending in the Court of the Ld. Additional Sessions Judge, Ratnagiri at Chiplun stands disposed of.

7. The petition is disposed of in the aforesaid terms. No costs.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]