



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APL) No. 267 of 2021

1. Sayyad Firoz S/o Sayyad Sabir
Aged about 34 years, Occ. Service
2. Smt. Rehana Sayyad Sabir,
Aged about 60 years, Occu. Household
3. Sayyed Awez S/o Sayyad Sabir,
Aged about 38 years, Occ. Service
Nos. 1 to 3 are R/o 24, Bakar Villa Sainagar,
Godhani Road, Zingabai Takli, Nagpur
4. Mohd. Jamil Bakar Sheikh,
Aged about 62 years, Occupation : Business
R/o Plot No. 43, Rathod Layout, Ram Kirana
Store, Swagat Nagar, Nagpur
5. Smt. Anwar Fatema Usman Ali,
Aged about 60 years, Occ. Household
R/o C/o Samshad Abdul Naseem, Nasheman
Housing Society, Zingabai Takli, Mankapur,
Nagpur

... Applicants

// VERSUS //

1. State of Maharashtra,
through Police Station Officer,
Police Station Mankapur, District Nagpur
2. Afreen Naaz W/o Sayyad Firoz,
Aged about 24 years, Occ. Housewife
R/o C/o Kalim Qazi, 114 Eros Villa, Awasti
Nagar, Nagpur
3. Burhan Nasir Sheikh,
Aged about 23 years, Occ. Nil,
R/o Shivaji Ward Shantinath Road, Ramtek,
District Nagpur

... Non-
applicants

Shri R.D.Baviskar, Advocate for the applicants.
Shri A.B.Badar, APP for the non-applicant no.1/State
Shri Syed Shahid, Advocate for the non-applicant no.2.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 3rd APRIL, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Rule. Rule is made returnable forthwith. By consent of the learned counsel for the parties, the matter is taken for final disposal.

2. By this application filed under Section 482 of Code of Criminal Procedure, the applicants are seeking to quash and set aside the First Information Report in Crime No. 350 of 2020 dated 10th September, 2020 registered with Police Station Mankapur for the offence punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act, 1961.

3. In short the case of prosecution is that informant who is the wife of applicant no.1 was subjected to cruelty at the hands of in-laws on account of dowry. It is alleged that the in-laws of the informant used to give ill-treatment and harassed her mentally and physically for trivial issues. As such on the basis of this allegation and further on the allegation of demand of dowry, offence punishable under Sections 498-A, 406 read

with Section 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act, 1961 was registered against them.

4. In this matter, this Court by order dated 15th February, 2021 issued notice to the non-applicants and by interim order directed the non-applicant no. 1 that charge-sheet shall not be filed against the applicants without seeking leave of this Court.

5. During pendency of present application, non-applicant no.2 filed affidavit dated 30th December, 2024 stating that her matrimonial dispute is amicably settled before the Family Court, Nagpur. In view of this settlement, mutual agreement is executed between them on 12th July, 2024. As per the said agreement applicant no.1 had paid full and final amount of Rs.3,00,000/- to the non-applicant no.2 in a Family Court proceeding and accordingly non-applicant no.2 agreed to withdraw all the proceedings and litigations filed by her against the applicant no.1/husband and his family members. As such she has no objection to quash and set aside the proceedings registered against the applicants in the matter.

6. Hon'ble Supreme Court of India in the case of B.S.Joshi and others Vs. State of Haryana and another reported in 2003(4) SCC 675, held that it is the duty of the Court to encourage genuine settlement of matrimonial dispute. It is also held that if for the purpose of securing ends of justice, quashing of FIR becomes necessary, Section 320 of Code of Criminal Procedure would not be a bar to exercise the power of quashing of First Information Report.

7. In view of the amicable settlement between the parties, no useful purpose would be served by continuation of the prosecution against the applicants, as such the application deserves to be allowed. Hence, we proceed to pass the following order.

ORDER

- i. Criminal application is allowed;
- ii. The First Information Report in Crime No. 350 of 2020 dated 10th September, 2020 registered with Police Station Mankapur for the offence punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition

Act, 1961 is hereby quashed and set aside against the applicant no.1 **Sayyad Firoz S/o Sayyad Sabir**, applicant no.2 **Smt. Rehana Sayyad Sabir**, applicant no.3 **Sayyed Awez S/o Sayyad Sabir**, applicant no.4 **Mohd. Jamil Bakar Sheikh** and applicant no. 5 **Smt. Anwar Fatema Usman Ali**.

Rule is made absolute in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]