



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION NO.330 OF 2025

1. Mohsin Ahmed Khan Manjoor Ahmed Khan, aged about 34 years, Occ. Private Job.
2. Manjoor Ahmed Khan, aged about 63 years, Occ. Nil, Occ. Private Job.
3. Rajiya B. Manjoor Ahmed Khan, aged about 58 years, Occ. Housewife.
4. Saiyma Parveen Muddarsir Ahmed Khan, aged about 31 years, Occ. Housewife.
5. Nilofar Yasmeen Abdul Hamid, aged about 37 years, Occ. Housewife.
6. Abdul Hamid, aged about 48 years, Occ. Private Job.

All the applicants are r/o Zaiyed Nagar, Behind Apni Bakery Walgaon Road, Amravati. (P.S. Nagpurigate, Amravati.)

... APPLICANTS

VERSUS

1. The State of Maharashtra, through Police Station Officer Badnera, Badnera, Amravati, Tq. And Distt. Amravati.
2. Nikhat Parveen Mohsin Khan, aged about 28 years, Occ. Housewife, R/o Shukarwar Bajar Behind Water Tank,

Old residency, Badnera, Amravati,
Dist. Amravati.

... NON-APPLICANT(S).

Ms. Mohini A. Sharma, Advocate for the applicants.
Shri Ganesh Umale, Additional Public Prosecutor for the State.
Shri A.N. Rangari, Advocate for non-applicant no.2.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 05.04.2025.

JUDGMENT : (Per : Pravin S. Patil, J.)

Heard. **ADMIT.**

2. The matter is taken up for final disposal by consent of the parties.

3. By this application filed under Section 482 of the Code of Criminal Procedure, the applicants are challenging the criminal proceeding numbered as R.C.C. No. 1337/2023 pending on the file of the Additional Chief Judicial Magistrate, Amravati and charge-sheet arising out of First Information Report ('FIR') No.681 of 2022 registered with the Badnera Police Station, Amravati City for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

4. Applicant no.1 and non-applicant no.2 are Muslims by religion and their marriage was solemnized on 23.06.2019. However, due to some misunderstanding between them, there was matrimonial discord. Thereafter, non-applicant no.2 by alleging that she was subjected to ill-treatment at the hands of the applicants, lodged police complaint. Accordingly offence under Section 498A of the IPC is registered against the applicants.

5. Non-applicant no.2 on appearance filed an affidavit on record stating that her matrimonial dispute has been amicably settled. As such, she do not want to proceed with the criminal prosecution lodged by her against the present applicants in the matter. In support of her submission, she relied upon the Compromise Pursis filed in the proceeding under the Protection of Women from Domestic Violence Act bearing R.C.C. No.1337/2023 before the Additional Chief Judicial Magistrate, Amravati. She further stated that she has now joined the family of the applicants and enjoying happy married life.

6. The Hon'ble Supreme Court in the case of ***B.S. Joshi and ors. vs. State of Haryana and anr. (2003) 4 SCC 675*** laid down the principles of law that in matrimonial dispute/offences, it is the duty of the Court to encourage genuine settlements of matrimonial disputes. It

is further held that, if for the purpose of securing the ends of justice, quashing of FIR became necessary, Section 320 would not be a bar to the exercise of power of quashing.

7. Accordingly, after going through the affidavit and by confirming the fact of settlement from non-applicant no.2, who is present in the Court and identified by her Counsel, we are of the opinion that continuation of prosecution against the applicants would amount to abuse of the process of Court. Hence, we pass the following order :

ORDER

- (a) The Criminal Application is allowed.
 - (b) Criminal proceeding numbered as R.C.C. No. 1337/2023 pending on the file of the Additional Chief Judicial Magistrate, Amravati and Charge-sheet arising out of First Information Report No. 681 of 2022 registered with the Badnera Police Station, Amravati City for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code is hereby quash and set aside.
8. The Criminal Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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