



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

CRIMINAL APPLICATION (APL) NO. 451 OF 2025

1. **Ahsan Ali Ajani s/o Ali Hussain Ajani**
Aged about 35 Yrs., Occ.: Service,
2. **Ali Hussain Ajani,**
aged about 58 years,
Occ. Business
3. **Sabira w/o Ali Hussain Ajani,**
Aged about 55 years,
Occupation:- Housewife,
4. **Shoaib Ajani s/o Ali Hussain Ajani**
Aged about 38 years,
Occupation :- Business
5. **Sukaina w/o Shoaib Ali Ajani,**
Aged about 35 years,
Occ. Housewife
Applicants are r/o House No.383
Hiwari Layout near N.I.T. Garden,
Bhandara Road, Bhandewada
Bagadganj, Nagpur 440008

...APPLICANTS

// VERSUS //

1. **Th State of Maharashtra,**
Through its Police Station Officer,
Police Station Mankapur,
Mankapur, Nagpur
2. **Saba Fatima w/o Ahsan Ali Ajani**
Aged about 24 years,
Occupation :- Housewife,
R/o- Plot No.36 Near Bombay
Hardware, Tower Lines, Raut Layout,
Mahakali Nagar, Gorewada,
Nagpur- 440013

NON-APPLICANTS

Mr Mirza Tabish Tahseen Ahmed, Advocate for the applicants.
Ms. M.H. Deshmukh, APP for non-applicant No. 1/State.
Mr Abdul Subhan, Advocate for non-applicant No.2.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATED : 08.05. 2025.

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

1. Heard.
2. **RULE.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.
3. The applicants have challenged the registration of criminal proceedings bearing RCC No.1964/2023 at the instance of the non-applicant No.2 for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code (for short, 'the I.P.C.') as she was subjected to physical and mental cruelty.
4. The applicants submission is that, matrimonial dispute between Applicant No.1 and non-applicant No.2 has been resolved

amicably. Therefore, the criminal proceeding pending against them should be quashed and set aside with the consent of non-applicant No.2.

5. Today non-applicant No.2 is present in the Court and identified by her Advocate. On a query put to her about amicable settlement, she confirmed the fact that a settlement took place between her and the applicants and accordingly, she does not want to prosecute the present applicants in the matter. She states that she has no objection to quash and set aside the criminal proceeding registered against applicants.

6. In support of their submissions, both the parties have relied upon the judgment of Hon'ble Supreme Court of India in the case of *B.S. Joshi and others Vs. State of Haryana* reported in *(2003) 4 SCC 675* wherein it is held that genuine settlement in matrimonial proceedings should be accepted if all the issues are resolved between the parties.

7. Hence, considering the above factual as well as legal position we have no impediment to accept the amicable settlement arrived at between the parties and accordingly, we pass the following order:-

(i) The criminal application is allowed.

(i) Charge-sheet bearing No.60/2023 dated 09.06.2023 arising out of FIR No.58/2023 for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the I.P.C. registered with Police Station Mankapur District Nagpur and the consequential proceedings bearing Regular Criminal Case No.1964/2023 pending on the file of Judicial Magistrate First Class, Nagpur are hereby quashed and set aside.

Rule accordingly.

Pending application, if any, also stands disposed of.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]