



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2763 OF 2025

1. Abdul Riyan Saudagar Abdul Saleem Saudagar,
age 29 years, Occ. Business,
R/o Mohsin Colony, Hyder Bagh,
Degloor Naka, Nanded.
 2. Abdul Afnan Saudagar Abdul Saleem Saudagar,
age 25 years, Occ. Business,
R/o Mohsin Colony, Hyder Bagh,
Degloor Naka, Nanded.
 3. Abdul Saleem Saudagar Abdul Mannan Saudagar,
age 52 years, Occ. Business,
R/o Mohsin Colony, Hyder Bagh,
Degloor Naka, Nanded.
 4. Mohammed Mohsin Abdul Saleem Saudagar,
age 33 years, Occ. Business,
R/o Mohsin Colony, Hyder Bagh,
Degloor Naka, Nanded.
- Applicants.
(original accused 1-3,5)

VERSUS

1. The State Of Maharashtra,
Through Police inspector,
Nanded Rural Police Station, Nanded.
Tq. & District Nanded.
 2. Ayesha Aiman w/o Abdul Riyan Saudagar,
age 25 years, Occ. Housewife,
C/o Abdul Wahed,
R/o Behind Classic Automotives, (Yamaha Showroom),
Near Jyoti Talkies, Shivaji Nagar,
Industrial Estate,
Nanded – 431602.
- Respondents.

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Advocate for Applicants : Mr. Chatterji Joydeep
APP for Respondents: Mr V.M. Lomte.
Advocate for Respondents : Ms. M.R. Dahat

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 22, 2026

FINAL ORDER :-

1. The applicants seek quashment of the FIR dated 2.5.2023 in Crime No.310 of 2023 registered with Nanded Rural Police Station, Nanded for offences punishable under sections 377, 354-A, 323, 294, 494, 498-A of the Indian penal Code and section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 (for short Act of 2013) and consequent charge-sheet in R.C.C. no.1475 of 2023 pending before the Judicial Magistrate First Class, Nanded.

2. Investigation was set in motion on the basis of information given by respondent no.2 alleging that she married with applicant no.1 as per Muslim rights and custom. After marriage, she was residing in a joint family alongwith other applicants. It is alleged that, applicant no.1 compelled her to engage in unnatural sex. Similarly, applicant no.2 brother-in-law outraged her modesty. Applicant no.3 i.e. father-in-law indulged in black magic against her, so also outraged her modesty. It is further alleged that on 1.5.2023 applicant no.1

contracted second marriage and all accused persons assaulted her. In pursuance to aforesaid information, investigation progressed and Final Investigation Report/charge-sheet no. 476 of 2023 has been filed in the Court of Chief Judicial Magistrate, Nanded. At present R.C.C. No.1475 of 2023 is pending before J.M.F.C. Nanded.

3. On 18.11.2025 learned advocates appearing for applicant and respondent no.2 filed pursis containing terms of compromise. Accordingly, they were relegated to learned Registrar (Judicial) of this Court for verification. Learned Registrar submitted his report of verification, which states that, respondent no.2 was personally present alongwith her advocate. Terms of compromise alongwith attested photocopy of Adhaar Card is placed on record. She admits contents of terms of compromise and signatures thereon and assert that she has voluntarily entered into compromise. Perusal of terms of settlement suggests that applicant no.1 and Respondent no.2 decided to separate themselves. Custody of female child is given to applicant no.1 and gold and silver ornaments are agreed to be exchanged at the time of Khula. Respondent no.2

has given no objection to quash FIR and consequential proceeding against all applicants.

4. In light of the aforesaid terms of settlement, it is evident that, parties have amicably settled dispute. In this background, reference can be made to observations of Hon'ble Supreme Court in case of **Gian Singh Vs. State of Punjab and another reported in (2012) AIR SCW 303**, particularly in para 61, which reads as under :-

“61. Certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.”

5. Further, in case of **Narindar Singh and others Vs. State of Punjab and another reported in (2014) SCC 466**, in paragraph no.31, Hon'ble Supreme Court has observed thus :-

31.“where criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or

arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves. The possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

6. In light of aforesaid observations, if contents of FIR and charge-sheet are considered, respondent no.2 has made personal attributions against applicant no.1-Husband and other family members while they were residing in a joint family. She has withdrawn such allegations and finally settled the matrimonial dispute. Apparently, continuation of the prosecution would be a futile exercise and waste of Judicial time. Pertinently, in criminal application no.3028 of 2023 filed by co-accused this Court has quashed the FIR and further proceeding vide judgment and order dated 4.4.2025.

7. At this stage Mr. Lomte, learned APP submits that allegations in the FIR constitute serious offences punishable with life imprisonment. Although, applicant and respondent no.2 have amicably settled dispute, investigating machinery was exerted till filing of charge-sheet and judicial time was also

consumed. There appears substance in contention of the learned APP. In the result following order is passed.

O R D E R

- i. Criminal application is allowed in terms of prayer clause '**B**' subject to condition that applicants deposits costs of Rs. 10,000/- (Rs. Ten Thousand) **each** to be paid to the Government Cancer Hospital, Chhatrapati Sambhajnagar (Aurangabad) within a period of Four **(4)** weeks from today. **Non-observance** of condition would result in deemed rejection of this Application.
- ii. Criminal application stands **disposed off**.

(S. G. CHAPALGAONKAR, J.)

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