



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

CRIMINAL APPLICATION APL NO.972/2024

Mohd.Shoaib s/o Matin Ahemad Khan

..VS..

State of Mah., thr.PSO, City Kotwali, Akola, District Akola and anr

WITH

CRIMINAL APPLICATION APL NO.973/2024

Matin Ahemad Khan s/o Haji Shujaat Khan and ors

..VS..

State of Mah., thr.PSO, City Kotwali, Akola, District Akola and anr

WITH

CRIMINAL APPLICATION APL NO.974/2024

Mirza Muzaffar Baig s/o Majid Baig Mirza

..VS..

State of Mah., thr.PSO, City Kotwali, Akola, District Akola and anr

WITH

CRIMINAL APPLICATION APL NO.975/2024

Shujaat s/o Matin Ahemad Khan

..VS..

State of Mah., thr.PSO, City Kotwali, Akola, District Akola and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri Shaad Mirza, Advocate h/f Shri F.T.Mirza, Counsel for Applicants.
Shri Nikhil Joshi, APP for the State.
Shri O.Y.Kashid, Counsel for NA No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 12/03/2026

1. Heard.

2. By these applications, applicants are seeking quashing of FIR in connection with Crime No.92/2024 registered with non-applicant No.1 police station for offences under Sections 498-A, 377, 323, and 506 read with 34 of the IPC and under Sections 3 and 4 of the Muslim Women (Protection of Rights on Marriage)

Act, 2019 and consequent proceeding arising out of the same bearing RCC NO.570/2024 pending before learned CJM, Akola and Final Report Form No.34/2024.

3. During the pendency of these application, applicants and non-applicant No.2 have arrived at a settlement during mediation process.

The Mediation Report is on record.

4. As per the settlement terms, it is resolved that marriage between non-applicant No.2 and Mohd. Shoaib was solemnized 17.1.2022. Due to the matrimonial disputes and difference, they are living separately since 1.6.2023. Now, they have decided that they will obtain decree of divorce and permanent alimony will be given to non-applicant No.2.

5. Applicants as well as non-applicant No.2 are present before this court. They have agreed and accepted the terms and conditions mentioned in the settlement terms.

6. The dispute between the parties is matrimonial in nature.

7. The offence is non-bailable. The Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab and anr, reported in (2002) 10 SCC 303** wherein it is observed that, "where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is

restored; securing the ends of justice being the ultimate guiding factor”.

In this regard, a specific reference was made to offences arising out of the matrimony particularly relating to dowry etc. or 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.

8. In view of filing of the complaint, the investigating agency, this court, and the trial court have spent their valuable time in adjudicating the said matter, these applications are allowed subject to costs and, therefore, following order is passed:

ORDER

(1) The criminal applications are **allowed**.

(2) FIR in connection with Crime No.92/2024 registered with non-applicant No.1 police station for offences under Sections 498-A, 377, 323, and 506 read with 34 of the IPC and under Sections 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and consequent proceeding arising out of the same

bearing RCC NO.570/2024 pending before learned CJM, Akola and Final Report Form No.34/2024 are hereby quashed and set aside to the extent of present applicants subject to costs of Rs.20,000/- by all applicants.

(2) The costs be deposited with the “Public Welfare Account”, having Account No.129712010001014 (IFSC Code : UBINo.812978).

(3) This order will come into force after deposit of the said costs.

Applications stand **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!