



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

CRIMINAL APPLICATION (APL) NO.1656 OF 2025

Sohail Hakimoddin Kazi and others

Vs.

State of Maharashtra, through Khadan Police Station, Akola and another

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

Court's or Judge's orders

Mr. K. Y. Mandpe, Advocate for applicant.
Mr. A. M. Joshi, APP for non-applicant No.1/State.
Mr. Naquid Mirza, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 22/01/2026

1. Present application is preferred for quashing of the FIR in connection with Crime No.744/2025 registered with Khadan Police Station, Akola for the offence punishable under Sections 85, 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

2. During the pendency of this application, both parties arrived at a settlement. The settlement terms filed are taken on record by way of a joint affidavit. The terms and contents of the settlement are agreed and accepted by both sides. As per the settlement terms, they have decided to obtain the decree of divorce by approaching to the appropriate Court.

3. The applicant and non-applicant No.2 appeared through video conferencing. I personally verified the contents of the affidavit filed on record and the same are agreed and accepted by the learned counsel as well as by the parties. The dispute of the applicants and non-applicant No.2 is matrimonial in nature. In view of the observation of the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab, MANU/SC/0781/2012** wherein the Apex Court has observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the 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.

4. In view of the above observation of the Hon'ble Apex Court, the matrimonial dispute is settled by way of a settlement. Hence, the application deserves to be allowed. At the same time, considering the criminal law is set in motion by lodging a complaint, the police machinery has spent time as well as the various courts have also spent time in the said proceedings, in view of that, the application deserves to be allowed, subject to the cost of Rs.20,000/- by the applicants and

Rs.10,000/- by the non-applicant No.2. In view of that, I proceed to pass following order:

ORDER

(i) The application is **allowed**.

(ii) The FIR in connection with Crime No.744/2025 registered with Khadan Police Station, Akola for the offence punishable under Sections 85, 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, is hereby quashed and set aside to the extent of the present applicants, subject to the cost of Rs.20,000/- (Rs. Twenty Thousand) by the applicants and Rs.10,000/- (Rs. Ten Thousand) by the non-applicant No.2.

(iii) The cost be deposited in the account of "**Public Welfare Account**"

Account No.: 129712010001014

IFSC Code : UBIN0812978

[Union Bank of India, Branch High Court, Civil Lines, Nagpur.]

(iv) The order will come into effect after compliance of depositing the cost.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)