



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

CRIMINAL APPLICATION (APL) NO. 329 OF 2026

(Aifaj Beg s/o Ayyub Beg & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, P.S. Mangrulpir,
 District Washim & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. H.K. Mirza, Advocate for the Applicants.

Mr. K.R. Lule, APP for the Non-applicant No.1/State.

Ms. S.H. Bhagat, Advocate for the Non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 25th MARCH, 2026

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No.580/2025 registered with Police Station Mangrulpir, District Washim for the offences punishable under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and Section 85 of Bharatiya Nyaya Sanhita, 2023 and consequent proceeding arising out of the same bearing R.C.C. No.49/2026.

2. The crime is registered on the basis of the report lodged by the Non-applicant No.2 on an allegation that after marriage when she resumed the cohabitation at the house of the present Applicants, she was subjected for the illtreatment and tortured by all the Applicants, and therefore, she constrained to leave the matrimonial house. On the basis of the said report, Police have registered the crime against the

present Applicants.

3. During the pendency of this Application, the parties arrived at a settlement and the joint affidavit is filed on record. I have personally verified from the Non-applicant No.2 regarding the contents of the joint affidavit. She agreed and accepted the same. The Applicant No.1 is also present before this Court. He has also agreed and accepted the terms and conditions of the settlement. As per the settlement terms, they have decided to dissolve the marriage. In view of that, they prayed for quashing of the FIR.

4. At this stage, the observations of the Hon'ble Apex Court in the case of ***Gian Singh Vs. State of Punjab, reported in (2012) 10 SCC 303***, wherein the Court 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. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the 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 FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

5. In view of the above observations and considering that the criminal law is set in motion on the basis of the report lodged, the entire Police machinery have spared their time for the investigation of the said crime as well as the Court has also spared the time, therefore the Application deserves to be allowed subject to the cost. In view of that, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The First Information Report bearing Crime No. 580/2025 registered with Police Station Mangrulpir, District Washim for the offence punishable under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and Section 85 of Bharatiya Nyaya Sanhita, 2023 and consequent proceeding arising out of the same bearing R.C.C. No.49/2026, are hereby quashed and set aside to the extent of the present Applicants, subject to the cost of Rs.10,000/- by the Applicants and Rs. 5,000/- by the Non-applicant No.2, to be paid to the **“Public Welfare Account”** in **Account No. 129712010001014 IFSC Code : UBIN0812978** Union Bank of India, Branch High Court, Civil Lines, Nagpur.

iii. The order will come into effect on depositing the costs.

6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)

SD. Bhimte