

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

**CRIMINAL APPLICATION (APL) NO. 333 OF 2021**

1. Nadeem Akhtar S/o.Shamim Akhtar,  
Age-38 years, Occ- Service,

2. Zarina Begum W/o.Shamim Akhtar,  
Age- 65 years, Occ.: Housewife,

Both R/o. Beside Jaya Decoration,  
Naya Godam, Kamptee, Tah-Kamptee,  
Distt. Nagpur. Pin – 441002.

3. Arshiya Nazli W/o. Naqueeb Akhtar,  
Age – 39 years, Occ- Housewife,

4. Ambari Naaz W/o. Mohd. Ezam,  
Age – 36 years, Occ – Housewife,

3 and 4 Both R/o. Shakur Tekedar Road,  
Naya Bazaar,

5. Taufeeque Ahmad S/o.Mohd. Yusuf,  
Age – 52 years, Occ – Business,

R/o. Tillu Hotel Chowk, Ismailpura,  
Kamptee, Tah – Kamptee, Distt. Nagpur  
Pin – 441 002.

(Applicants No.1 to 5 are Accused)

6. Aasiya Naseem W/o. Nadeem Akhtar,  
Aged : 33 years, Occ. : Housewife,  
R/o.C/o. Naseem Akhtar, Beside Sonu  
Beer and Bar, Behind Suleman Masjid,  
Supare Layout, Yerkheda, Kamptee,  
Tahsil Kamptee and District : Nagpur.

(Applicant No.6 is the Complainant)

.... **APPLICANTS.**

// **VERSUS** //

State of Maharashtra,  
Through P.S.O., Police Station,  
New Kamptee, Nagpur.

.... **NON-APPLICANT.**

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Shri S.S.Sohoni, Advocate for Applicants.  
Ms Mayuri Deshmukh, A.P.P. for Non-applicant /State.

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**CORAM : Z.A.HAQ AND AMIT B. BORKAR, JJ.**  
**DATED : FEBRUARY 26, 2021.**

**ORAL JUDGMENT** : (Per : Amit Borkar, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith.
3. This is joint application filed by applicant No.5-who is accused and applicant No.6 who is complainant, for quashing and setting aside First Information Report No.465 of 2020 along with Charge-sheet, dated 9<sup>th</sup> December 2020, which is filed before Judicial Magistrate First Class, Kamptee in Regular Criminal Case No. 313 of 2020.
4. The First Information Report came to be registered against the applicant Nos. 1 to 5 with the accusations that the applicant Nos. 1 to 5

caused physical and mental harassment to the applicant No.6. After registration of the First Information Report, charge-sheet came to be filed against the applicant Nos. 1 to 5 on 9<sup>th</sup> December 2020. After the charge-sheet was filed and during pendency of the proceedings before the Judicial Magistrate First Class, Kamptee, the applicant Nos. 1 to 5 and applicant No.6 have mutually resolved their matrimonial dispute and have arrived at settlement. It is stated in paragraph No.6 of the application that the crime came to be registered against the applicant Nos. 1 to 5 due to misunderstanding and due to intervention of the relatives and common friends of the applicant Nos. 1 to 5 they have resolved their dispute amicably. In paragraph No.6, the applicant No.6 has made a categorical averment that the applicant No.6 is not interested in prosecuting the case against the applicant Nos. 1 to 5. The applicant No.6 has filed affidavit in support of the averments in the application.

5. We have carefully considered the allegations in the First Information Report and material in the charge-sheet. From the averments in the First Information Report and the material in the charge-sheet, we are satisfied that the offences registered against applicant Nos. 1 to 5 are personal in nature. Therefore, in view of the judgment of the Apex Court in the case of *Narinder Singh ..vs.. State of Punjab*, reported in **AIR 2014 SCW 2065**, there is no impediment in quashing and setting aside the First Information Report and charge-sheet filed against the applicant Nos. 1 to 5.

6. We, therefore, pass the following order:

The First Information Report No.465 of 2020 and consequent charge-sheet, dated 9<sup>th</sup> December 2020 filed before Judicial Magistrate First Class, Kamptee and proceedings of Regular Criminal Case No.313 of 2020, for the offences punishable under Sections 498-A, 294, 323, 504 of the Indian Penal Code, are quashed and set aside.

Rule is made absolute accordingly.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)

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