



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. OF 2024
(Arising out of SLP(Crl.) No. 8373 of 2019)

**SAFIYA BANO ALIAS SHAKIRA
AND OTHERS**

...APPELLANT(S)

VERSUS

**THE STATE OF U.P.
AND OTHERS**

...RESPONDENT(S)

J U D G M E N T

B.R. GAVALI, J.

1. Leave granted.
2. In spite of being served, none appears for the wife-respondent No.2.
3. This appeal challenges the order dated 24th July 2019, passed by the High Court of Judicature at Allahabad, Lucknow Bench, in Writ Petition (M/B) No. 17636 of 2019, vide which the petition filed by the present appellants under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") for quashing of the FIR No. 321 of 2019 for the offences punishable under Sections 498-A, 323, 504, 494, 377 of Indian Penal Code, 1860 (for short, "IPC") against the

present appellants is rejected.

4. While issuing notice on 20th September 2019, this Court had granted time to the appellants to file additional documents with regard to mediation which is stated to have taken place.

5. Accordingly, I.A. No. 161034 of 2019 has been filed for placing additional documents on record along with a copy of the mediation report.

6. The High Court has non-suited the appellants on the ground that the averments made in the petition disclosed the availability of ingredients for an offence punishable under Section 498-A of IPC.

7. We have heard Shri Uzmi Jameel Husain, learned counsel appearing for the appellants and Shri Shaurya Sahay, learned counsel appearing for the respondents.

8. We have perused the FIR. The allegations made against the present appellants, who are the husband's relatives are general in nature, wherein it is stated that the appellants harassed her and demanded dowry. No specific allegation of ill treatment is made against any of the appellants.

9. In the appeal, a specific statement has been made to the effect that after a decree for restitution of conjugal rights was filed by the husband of the respondent No.2, the FIR has been filed only in order

to harass the husband and his entire family i.e. the appellants.

10. The averments made have gone unchallenged. Apart from that, it also appears that there was an attempt to settle the matter, as can be seen from the agreement of settlement between the husband and respondent No.2 (Wife).

11. It would be relevant to refer to clauses (1) and (6) of the said Settlement Agreement, which reads as under:

“1. That the marriage took place on 8.8.2014 Friday, between First party and Second party but the parties remained to live as husband and wife under one roof for few days. But due to increase in difference no harmony could be established. First party had given voluntarily given gifts to second party after Niqah and for that compensation, one lump sum amount was given to second party which she has received and now nothing is to be given and taken.

6. That Second party shall not demand any amount towards maintenance for herself in future in any manner and nor she will have any right or claim in the ancestral or self acquired or sold, properties of the first party. Nor she will file any suit or claim nor she will file any application in any court and nor she will have any right to get the same from second party. If it is done in future than the same shall be ineffectual and void in the face of this agreement.”

12. It appears that thereafter respondent No.2 changed her mind and did not proceed with the settlement.

13. In any case, the husband is not before us. The proceedings against husband can very well go on. However, insofar as the present appellants are concerned apart from the general and bald allegations, there is not even a whisper as to how the ingredients to constitute an

offence under Section 498-A of IPC are made out against the present appellants.

14. In the result, the appeal is allowed. The proceedings arising out of FIR No. 321 of 2019 dated 24th April 2019 registered at Police Station Thakur Ganj, District-Lucknow, Uttar Pradesh qua the present appellants shall stand quashed and set aside.

15. Needless to state that the proceedings against the present appellants would proceed in accordance with law.

16. Pending application(s), if any, stand disposed of.

.....**J.**
(B.R. GAVAI)

.....**J.**
(SANJAY KAROL)

NEW DELHI;
JANUARY 30, 2024

ITEM NO.15

COURT NO.3

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 8373/2019

(Arising out of impugned final judgment and order dated 24-07-2019 in MB No. 17636/2019 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

SAFIYA BANO ALIAS SHAKIRA & ORS.

Petitioner(s)

VERSUS

THE STATE OF U.P. & ORS.

Respondent(s)

Date : 30-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. Mohd. Parvez Dabas, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. Aqib Baig, Adv.
Mr. Mohd. Shahib, Adv.
Mr. Shams Khawaja, Adv.
M/S. Shakil Ahmad Syed, AOR

For Respondent(s)

Mr. Shaurya Sahay, AOR
Mr. Shobit Dwivedi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending application(s), if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)

[Signed order is placed on the file]