



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

979 CRIMINAL APPLICATION NO. 474 OF 2026
WITH
CRIMINAL APPLICATION NO. 2461 OF 2026

BHAGWAT DNYANOBA MULGIR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondents/State : Mr. S.V. Hange
Advocate for Respondent No. 2 : Mr. Wakure Sanjay A.
...

CORAM : HITEN S. VENEGAVKAR, J.
DATE : 01.09.2026

PER COURT :

1. Both these applications are seeking quashment of the First Information Report (for short "FIR") bearing No. 304 of 2025 dated 15.11.2025 registered with Kranti Chowk Police Station, District Chhatrapati Sambhajanagar, for the offences punishable under Sections 69, 115(2), 352, 351(2), 3(5), 89 of the Bhartiya Nyaya Sanhita, 2023 (for short "BNS") and Section 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Applicant also seeks quashment of the FIR, Charge-sheet and consequential Special Case No. 16 of 2026 pending on the file of the learned Additional Sessions Judge, Aurangabad.

2. The main ground on which the applicant is seeking quashment of the proceedings is the amicable settlement between the

applicant and respondent No. 2. The applicant Bhagwat Dnyanoba Mulgir and respondent No. 2 have appeared before the Registrar, (Judicial) of this Court and have got their credentials and identifications verified alongwith the terms of the compromise. The application was filed alongwith annexures and terms of compromise in which it is categorically stated that the applicant and respondent No. 2 have amicably settled the matter, as both of them want to lead a peaceful life. It is mentioned that respondent No. 2 does not want to continue with the criminal prosecution initiated at her instance. The settlement and compromise have been arrived at amicably and voluntarily. Taking into consideration the character and growth of both applicant as well as respondent No. 2 and the allegations have buried from differences with understanding to lead their individual peaceful life. Both of them have in fact stated in the compromise deed that the applicant and the informant i.e. respondent No. 2 have decided to marry each other and to lead a happily matrimonial life. The settlement terms have also categorically mentioned that respondent No. 2 has no objection to quash the criminal proceeding against the applicant. Similarly, as far as the applicant by name Nita Manoj Korde @ Dnyanoba Dattarao Mulgir, who happens to be the sister of applicant Bhagwat and father of the applicant Bhagwat respectively. Respondent No. 2 has entered into the compromise deed when they themselves executed it before the Section Officer of this Court. The learned Advocate for the applicant thus, submits that taking into consideration the compromise deed, the

application may be allowed and the proceedings may be quashed.

3. The learned Advocate appearing for respondent No. 2 reiterated and confirms the compromise and amicable settlement has taken place between the parties and respondent No. 2, who is presently in Delhi pursuing her Union Public Service Commission's (for short "UPSC") studies, as she aspires to appear UPSC examination does not wish to go ahead with the prosecution against the applicant.

4. The learned APP appearing for the Respondent-State opposes the application on the ground that respondent No. 2's name has been forwarded for grant of compensation under the Victim's Compensation Scheme and also for compensation under the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, (for short "Atrocities Act"). However, he does not have clear instructions as to whether the amount has already been disbursed or not.

5. The learned Advocate appearing for respondent No. 2 also has no instructions as to whether the amount has been received by respondent No. 2 or not.

6. Taking into consideration that the prosecution essentially arose out of the relationship between the applicant Bhagwat and respondent No. 2. The allegations in the FIR includes the allegations of

sexual intercourse on the basis of promise to marry by deceitful means and consequently the offence under Section 69 of the BNS has been invoked. There is also an allegation concerning administration of tablets resulting in termination of pregnancy and on the basis of which Section 89 of the BNS has been applied. The certain other offences under the BNS are also under the provisions of Atrocities Act have been invoked.

7. The investigation is complete and the charge-sheet has also been filed. During the pendency of the proceedings, however, the parties have resolved their dispute. The settlement is not merely asserted across the bar, but respondent No. 2 has appeared stating that the settlement has been voluntarily done between the parties and the same has been verified before the learned Registrar, (Judicial) of this Court. She has expressed that she does not desire to prosecute the applicant any further.

8. The Courts in such matters are conscious that some of the offences are invoked and the present case is of non compoundable and that the allegation including under Section 69 of the BNS is also an offence relating to miscarriage of pregnancy. The power to quash the prosecution of settlement cannot be exercised mechanically merely because the informant no longer desires to prosecute. The nature of accusations, it's social impact and the circumstances in which the alleged offence occurred and as to whether the continuation of the

prosecution would advance administration of the criminal justice are the factors which are required to be taken into consideration.

9. On examination of the allegations in the entirety, however, the genesis of the present prosecution is the personal relationship between the applicant Bhagwat and respondent No. 2 and the dispute subsequently arose between them. Section 69 of the BNS creates distinct offence relating to sexual intercourse by deceitful means upon promise to marry made without intention to fulfill the same. The allegations in the present case have therefore, to be appreciated in the factum of frame - work of the relationship between the parties and cannot be merely a reason of the offence invoked to be equated for the present purpose that every prosecution invoking forcible sexual offence.

10. In the present case the allegations of sexual intercourse prima facie indicates that it was consensual relationship, though the consent was alleged to have been obtained by using deceitful means by false promise of marry. The apprehension of respondent No. 2 that the applicant Bhagwat will not perform marriage on account that she belonging to the scheduled caste categorically is the matter which requires trial. Likewise, in so far as the allegations pertaining to section 89 of the BNS is concerning essential allegations and the material collected during the investigation concerning the absence of consent of respondent No. 2 also assumes significance. The applicability and

strength of these accusations must therefore, from actual prosecution material and not merely from the Sections mentioned in the charge-sheet.

11. I am equally conscious of invoking the provisions of Atrocities Act. Mere existence of offence under the Special enactment does not create absolute embargo upon the exercise of inherent jurisdiction of this Court, wherein, the dispute is essentially provided any character of alleged act is not shown to have committed on account of the caste of the victim and the Court is satisfied that the settlement is voluntarily made. The inherent jurisdiction can in an appropriate case without undermining the object of the provisions of the special enactment. The allegations in the present case are therefore required to be examined from such prospect. Respondent No. 2 who would necessarily constitute the material witness in the prosecution as consciously resolving the dispute and does not desire into continuation of the proceedings. The settlement has been independently verified by the Officer of this Court. There is nothing presently brought to the notice of this Court suggesting that the settlement is resolved on threats and coercion or undue influence. On the contrary the learned Advocate appearing for respondent No. 2 reaffirms before this Court that respondent No. 2 has amicably settled the dispute with the applicant. He also submits that on the contrary, the applicant Bhagwat has assured and undertaken to perform marriage and live happily hereinafter with respondent No. 2.

12. In these peculiar circumstances, the possibility of the prosecution culminating into conviction has been substantially removed. The continuation of the proceedings, would therefore, prolonging dispute in which the persons directly involved has voluntarily brought to an end. There is however, one conditional circumstance pertaining to the sanction of compensation amount by the State Agency to respondent No. 2.

13. The factum whether the amount of Rs. 2,00,000/- by way of compensation is actually been paid or not is alleged unverified. In any case these factors can be taken into consideration and can be addressed appropriately by directing respondent No. 2 to re-deposit the entire amount which she has received by way of compensation in any scheme whether it is victim compensation scheme or under the Atrocities Act as the victim of this present offence. The said amount will be deposited in the registry of this Court within a period of 4 weeks from today and upon receiving the said amount, the Registrar, (Judicial) of this Court shall ensure that the amount is send back to the Department from which it was paid to respondent No. 2.

14. Having regard to the peculiar facts and the case, the nature of genesis of the relationship between the parties, the settlement voluntarily arrived at and duly verified, the stand of respondent No. 2

consequently removes possibility of the prosecution reaching to its intended result, I am satisfied that the continuation of criminal proceeding would not advance the cause of justice. Subject to the aforesaid safeguard regarding the amount received by respondent No. 2, this is an appropriate case for exercising jurisdiction of this Court. The applications are accordingly, allowed. Hence the following order :

ORDER

- (i) The applications are allowed.
- (ii) The impugned FIR bearing No. 304 of 2025 dated 15.11.2025 registered with Kranti Chowk Police Station, District Chhatrapati Sambhajanagar, for the offences punishable under Sections 69, 115(2), 352, 351(2), 3(5), 89 of the Bhartiya Nyaya Sanhita, 2023 (for short "BNS") and Section 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the Charge-sheet and consequential Special Case No. 16 of 2026 pending on the file of the learned Additional Sessions Judge, Aurangabad are stands quashed and set aside.
- (iii) The amount of compensation if any received by respondent No. 2 be deposited in the registry of this Court within a period of 4 weeks from today.
- (iv) Upon deposit of said amount in the registry of this Court, the Registrar, (Judicial) of this Court is directed to re-deposit the said amount with the Department from which the compensation was paid to respondent No. 2.

(v) As and by way the costs, the applicant Bhagwat and respondent No. 2 shall pay the amount of Rs. 1,00,000/- (Rs. One Lakhs Only) each be deposited in the registry of this Court within a period of 3 weeks from today.

(vi) Upon said amount is deposited, the registry of this Court will forward the amount of Rs. 1,00,000/- (Rs. One Lakhs Only) to the account of the Centrally Sponsored Scheme – 9488 – Strengthening Machinery for Enforcement of Protection of Civil Rights Act, 1955 and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and an amount of Rs. 1,00,000/- (Rs. One Lakhs Only) to the State Linked Scheme, MH-221 – MH – Machinery and Civil Rights (22250172).

(vii) The applicant Neeta Korde and Dnyanoba Mulgikar shall deposit the cost of Rs. 50,000/- each to the District Government Cancer Hospital, Chhatrapati Sambhajanagar.

(viii) The costs to be deposited within a period of 3 weeks from today in the registry of this Court. Upon the costs being deposited the Registrar, (Judicial) of this court shall forward the same to the District Government Cancer Hospital, Chhatrapati Sambhajanagar.

(HITEN S. VENEGAVKAR, J.)