



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

CRIMINAL APPLICATION (APL) NO. 665 OF 2025

- 1) Prashant S/o Machhindranath Jadhao,
Aged 40 years, Occ. Service,
R/o. Marathi Telipura,
Near Nagoba Mandir, Bajeriya,
Nagpur, Tq. & Dist. Nagpur.
- 2) Smt. Sumanbai Machhindranath Jadhao,
Aged 70 years, Occ. Nil,
R/o. Marathi Telipura,
Near Nagoba Mandir, Bajeriya,
Nagpur, Tq. & Dist. Nagpur.
- 3) Jayant Machhindranath Jadhao,
Aged 40 years, Occ. Service,
R/o. Marathi Telipura,
Near Nagoba Mandir, Bajeriya,
Nagpur, Tq. & Dist. Nagpur.
- 4) Sau. Harsha Sachin Athavle,
Aged 38 years, Occ. Housewife,
R/o. Marathi Telipura,
Near Nagoba Mandir, Bajeriya,
Nagpur, Tq. & Dist. Nagpur.
- 5) Murlidhar Santaram Jadhao,
Aged 72 years, Occ. Retired,
R/o. Om Sai Nagar, Savkheda,
Tq. and Dist. Jalgaon.

.... **APPLICANTS**

// VERSUS //

- 1) State of Maharashtra,
Through Police Station Officer,
Police Station Hinganghat, Wardha,
District Wardha.

- 2) Kamini Prashant Jadhav,
Aged 38 years, Occ. Job,
R/o. C/o. Harichandra Manikrao Athawale,
New Yashwantnagar, Behind Ambedkar
Hostel, Hinganghat, Tq. Hinganghat,
District Wardha.

.... **NON-APPLICANTS**

Mr. Suraj R. Babhulkar Advocate for applicants.

Mr. M. J. Khan, Additional Public Prosecutor for non-applicant No.1/State.

Mr. Malhar Deshpande, Advocate h/f. Mr. U. J. Deshpande, Advocate for non-applicant No.2.

CORAM : M.W. CHANDWANI, J.

DATED : SEPTEMBER 16, 2026

ORAL JUDGMENT :

1. **Admit.** Heard finally by consent of the learned counsel appearing for the parties.

2. The applicants seek quashing of the First Information Report (FIR) No.284/2022, dated 07.03.2022, registered with Police Station, Hinganghat, District Wardha for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short the "IPC") and consequent Chargesheet No.196/2022 dated 22.07.2022 bearing Regular Criminal Case No.256/2022, pending before learned Joint Civil Judge Junior Division and Judicial Magistrate, First Class, Hinganghat, District Wardha.

3. Applicant No.1 is the husband, applicant No.2 is the mother-in-law, applicant No.3 is the brother-in-law, applicant No.4 is the sister-in-law and applicant No.5 is the cousin-father-in law of non-applicant No.2/complainant. Marriage between applicant No.1 and non-applicant No.2 was solemnized on 14.12.2016. After marriage, non-applicant No.2 went to reside with the applicants. After 2 to 3 days of marriage, applicant Nos.1 to 3 and 5 insisted non-applicant No.2 to bring money from her parental house for constructing a house at Nagpur. Since, non-applicant No.2 was unable to bring the money from her parental house, all the applicants harassed and assaulted her. When applicant No.4 used to visit her parental house, she used to instigate her brother-applicant No.1 as a result of which, he used to assault non-applicant No.2. Thereafter, non-applicant No.2 started residing with applicant Nos.1 and 2 at Gwalior, where applicant No.1 was serving in Army.

4. When non-applicant No.2 was pregnant, on 16.02.2017, applicant No.1 assaulted non-applicant No.2 on her abdomen. On 07.05.2017 applicant No.1 again assaulted non-applicant No.2 by means of fist blows as a result of which her left ear got injured. On 20.06.2017, applicant No.1 assaulted non-applicant No.2 on instigation of applicant Nos.2, 3 and 5 and at 09.00 pm. he left her at

the bus stand at Nagpur. Thereafter, she came to her parents' house. On 19.09.2017, non-applicant No.2 was blessed with a baby girl. Since then, applicant No.1 did not provide any amount for the treatment of her daughter who was born in a critical condition due to the assault inflicted on non-applicant No.2 during her pregnancy. On the complaint of non-applicant No.2, the aforesaid offences came to be registered against all the applicants.

5. The present application is filed by the applicants for quashing of the FIR. It is contended that now the matter has been settled between the parties out of the Court. Non-applicant No.2 tendered an affidavit across the bar, which is taken on record and marked as "X" for identification. In the affidavit, non-applicant No.2 contended that matter has been settled amicably between the parties. She does not want to prosecute the applicants and she has no objection if the FIR and consequent proceedings are quashed.

6. Non-applicant No.2 is present in the Court today and has been duly identified by her counsel. She reiterated the contents of the affidavit. Non-applicant No.2 submitted that the matter has been settled between the parties out of the Court. She does not want to prosecute the applicants. She also has no objection if the FIR and consequent proceedings are quashed against the applicants. Applicant

No.1 and non-applicant No.2 have mutually decided to part ways. They have also obtained a decree for divorce by mutual consent from the competent Court.

7. Considering the fact that the dispute is arising out of a matrimonial discord and both the parties have amicably settled their dispute as well as the fact that applicant No.1 and non-applicant No.2 have decided to part ways to lead their future life peacefully, the pending proceedings may become a hindrance in their peaceful life.

8. The Apex Court in the case of ***B.S. Joshi and others vs. State of Haryana***, reported in ***(2003) 4 SCC 675***, has held as under :

“10. [In State of Karnataka v. L. Muniswamy [(1977) 2 SCC 699 : 1977 SCC (Cri) 404] considering the scope of inherent power of quashing under Section 482, this Court held that in the exercise of this wholesome power, the High Court is entitled to quash proceedings if it comes to the conclusion that the ends of justice so require. It was observed that in a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice and that the ends of justice are higher than the ends of mere law though justice had got to be administered according to laws made by the legislature. This Court said that the compelling necessity for making these observations is that without a proper realization of the object and purpose of the provision which seeks to save the inherent powers of the High Court to do justice between the State and its subjects, it would be impossible to appreciate the

width and contours of that salient jurisdiction. On facts, it was also noticed that there was no reasonable likelihood of the accused being convicted of the offence. What would happen to the trial of the case where the wife does not support the imputations made in the FIR of the type in question. As earlier noticed, now she has filed an affidavit that the FIR was registered at her instance due to temperamental differences and implied imputations. There may be many reasons for not supporting the imputations. It may be either for the reason that she has resolved disputes with her husband and his other family members and as a result thereof she has again started living with her husband with whom she earlier had differences or she has willingly parted company and is living happily on her own or has married someone else on the earlier marriage having been dissolved by divorce on consent of parties or fails to support the prosecution on some other similar grounds. In such eventuality, there would almost be no chance of conviction. Would it then be proper to decline to exercise power of quashing on the ground that it would be permitting the parties to compound non-compoundable offences? The answer clearly has to be in the “negative”. It would, however, be a different matter if the High Court on facts declines the prayer for quashing for any valid reasons including lack of bona fides.”

9. In view of the above, a case is made out for exercising the inherent powers of this Court under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 to quash the FIR and consequent proceedings. Accordingly, I proceed to pass the following order :

- (i) The Criminal Application is allowed.
- (ii) FIR No.284/2022, dated 07.03.2022, registered with Police Station, Hinganghat, District Wardha for the

offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and consequent Chargesheet No.196/2022 dated 22.07.2022 bearing Regular Criminal Case No.256/2022, pending before learned Joint Civil Judge Junior Division and Judicial Magistrate, First Class, Hinganghat, District Wardha, are hereby quashed and set aside against all the applicants.

- (iii) The applicants shall deposit costs of **Rs.5,000/-** (Rs. Five thousand only) to the account of “Public Welfare Fund” in Union Bank of India, High Court Branch, Nagpur having account No.129712010001014 and IFSC Code UBIN0812978, within a period of two weeks from the date of this order.

10. The criminal application is disposed of.

(M.W. CHANDWANI, J.)

Kirtak