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NOB-Cri. Appln.-1425-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1425 OF 2024

Vijay Rajendra Nikam and Anr. ...Applicants  
Versus  
The State of Maharashtra and Anr. ...Respondents

...

Mr. Suniket A. Kulkarni a/w Ms. Rutuja L. Jakhade, Advocates for Applicants.

Mr. Ajinkya S. Mirajgaonkar, Advocate for Respondent No.2.

Mr. S. J. Salgare, APP for Respondent-State.

CORAM : KISHORE C. SANT &  
ABASAHEB D. SHINDE, JJ.

DATE : 9<sup>th</sup> DECEMBER 2025.

PC :-

1. Not on board. Upon mentioning, taken on board.
2. Heard Mr. Kulkarni, the learned Advocate for the Applicants, Mr. Mirajgaonkar, learned Advocate for Respondent No.2 and Mr. Salgare, learned APP for Respondent-State.
3. By way of this Criminal Application, the Applicants have prayed for quashing of the proceeding of FIR No. 45/2018, registered with Shahada Police Station, District Nandurbar, for the offences punishable

under Sections 366, 376(N), 376(D), 504, 506(2) and 120(B) read with 34 of the Indian Penal Code, 1860 and the Session Case No. 22 of 2019 pending in the Court of learned Sessions Judge, Shahada, Dist. Nandurbar, pursuant to the said crime.

4. Now, the private parties have entered into a compromise. The victim has also filed an affidavit stating that she has no objection to quash the said proceedings. It is stated that the accused and the victim had cordial relations; however, due to some misunderstanding, the complaint was filed.

5. On the last occasion, on the strong opposition on behalf of learned APP, the victim was directed to remain present in this Court. Therefore, the victim and the accused are also present in the Court. This Court personally interacted with the victim. She states that the affidavit is filed of her own free-will and without any pressure. Certain events have also been brought to the notice of this Court that subsequent to lodging of the complaint, the victim even married to one of the accused persons, who is presently Applicant No.1, and thereafter again another

proceeding in respect of divorce is pending.

6. Be that as it may, this clearly shows that the parties were in touch even thereafter and that they were in relationship.

7. The request is vehemently opposed by learned APP by citing few judgments. He submits that offences under IPC are not only offences against the individuals but those are against the society as such, and therefore, no such compromise be permitted. Permitting such compromises would lead to anarchy in the society. He relied upon the judgments passed by this Court in the case of ***Samadhan s/o. Sitaram Manmothe Vs. The State of Maharashtra and Anr.*** in Criminal Application No. 601/2025 and in the case of ***Dnyaneshwar s/o. Vishnu Suryawanshi and Anr. Vs. The State of Maharashtra and Anr.*** in Criminal Application No. 864/2024.

8. In the case of ***Farukh Vs. The State of M. P. and Ors.*** in Misc. Criminal Case No. 9683/2024 passed by Madhya Pradesh High Court at Indore Bench, the view taken is that when the offence is as offence against the society, the Court should be slow in quashing the

proceedings. In Criminal Application No. 601 of 2025, this Court has also considered that there is every likelihood of the prosecutrix turning hostile. However, it is held that in that case, the Court is equipped with the powers to prosecute such a witness, and on that ground also, it was refused to quash the proceeding.

9. This Court has also gone through the judgment in Criminal Appeal No. 5001/2025 delivered by the Hon'ble Apex Court in the case of ***Samadhan s/o. Sitaram Manohar Manmothe***, wherein the Hon'ble Apex Court had considered all the aspects and has set aside the judgment of the High Court, where the FIR was not quashed in view of compromise between the parties. This Court finds that, in the present case, though the allegations are serious, it also shows that inspite of earlier incident, the victim still accompanied the accused person even thereafter on several occasions. This Court also notes that it is true that some time of the police machinery and the Court machinery has been consumed, as submitted by the learned APP. It also needs to be kept in mind that the power can also be used to save further abuse of process of law, as under

such circumstances, going for the trial would prove only to be a futile exercise when the prosecutrix is no longer supporting the case of the prosecution. Certainly, the submission of learned APP needs to be considered that some time of the machinery is wasted in the investigation and Court machinery is used in the sessions trial, that aspect can be taken care of by imposing some costs. Hence, the following order:

**ORDER**

- (i) Criminal Application stands allowed in terms of prayer clause (B) and (B-1), subject to Applicant No.1, Applicant No.3 and Respondent No.2 depositing costs of Rs.35,000/- each, to be paid to the Police Welfare Fund, Nandurbar within a period of two weeks from today.
- (ii) With this, criminal application stands disposed off.

**[ABASAHEB D. SHINDE, J.]**

**[KISHORE C. SANT, J.]**