



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2477 OF 2025

1. Kiran s/o Namdeo Desai
Age 49 years, Occu: Agri.
 2. Burnakavau w/o Namdeo Desai
Age 73 years, Occu: Household
 3. Manoj s/o Namdeo Desai
Age 45 years, Occu: Agri.
 4. Shital w/o Manoj Desai
Age 38 years, Occu: Household
 5. Pranav s/o Manoj Desai
Age: 22 years, Occu: Student
All R/o R/o Narlibag, Soegaon
Tq. Soegaon Dist. Chh. Sambhajinagar
- ... **Applicants
(Orig. Accused)**

VERSUS

1. The State of Maharashtra,
Through the Investigating Officer,
Phulambri Police Station,
District Chh. Sambhajinagar
 2. Rupali Kiran Desai
Age 40 years, Occu: Household
R/o Pokhari
Tq. & Dist. Chh. Sambhajinagar
- ... **Respondents**

Mr. Adil A. Shaikh h/for Mr. Ravindra V. Gore, Advocate for the applicants
Mr. A. R. Kale, APP for the Respondent-State
Mr. K. A. Pathade, Advocate for Respondent No.2

**CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.**

DATE : 12.09.2025

ORDER (Per: Y. G. Khobragade, J.)

1. Present application has been filed under Section 582 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashment of First Information Report vide Crime No.0260/2025 dated 20.05.2025 registered with Phulambri Police Station, Dist. Chh. Sambhajinagar, for the offence punishable under Sections 85,115(2), 352, 351(2), 351(3), 3(5) of Bhartiya Naya Sanhita, 2023.

2. Applicant No.1 is husband of Respondent No.2 Rupali- original complainant/informant. Applicant No.2 is mother-in-law, Applicant No.3 is brother-in-law, Applicant No.4 is sister-in-law and Applicant No.5 is nephew of the informant.

3. Respondent No.2/informant lodged first information report against the present applicants on 20.05.2025 alleging that she was married to applicant No. 1 on 05.05.2007 and started living with her husband at her matrimonial home. She was treated well by applicants initially for some days. It is alleged that subsequently, the applicants started torturing and ill-treating the complainant on trivial issues and also raised suspicion on her character. They asked the complainant to bring Rs. 1,50,000/-, from her parents for business purpose and in pursuance to the demand, the applicants started ill-treating the complainant. They used to beat her and harass her physically and mentally. With these allegations,

she lodged complaint and the offence as referred above came to be registered against the applicants.

4. Heard Mr. Adil. A. Shaikh learned counsel for the applicants, Mr A. R. Kale, learned APP for the respondent State and Mr. K. A. Pathade, learned counsel for Respondent No.2/complainant.

5. The learned counsel for the respective parties have stated that during pendency of the application, the parties have amicably settled their dispute and have arrived at a compromise through the process of private negotiations. The compromise pursis containing the terms of settlement, has been produced on record. Terms of compromise have been got verified through Registrar (Judicial) and learned Registrar (Judicial) has submitted his report dated 26.08.2025. Terms of compromise read as thus:

"Above mentioned applicants and the respondent no 2/
Original complainant most respectfully submit as under:

1) That, the applicants had filed criminal application for quashing of FIR bearing Crime no. Crime No. 0260/2025 dated 20.05.2025 registered in Phulambri Police Station, for the offence punishable u/s. 85, 115(2), 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023.

2) That, the dispute between the parties has arisen out of matrimonial dispute between applicant no. 1/ husband and respondent no. 2/ wife. Now, they have settled the misunderstanding between them and are living together in the same house.

3) That, respondent no. 2/ wife have cohabited with the applicant no. 1/ husband. Therefore, the applicants and respondent no.2 don't want to prosecute the matter further.

4) That, respondent no. 2/wife has no objection to allow the criminal application and quashed the FIR bearing Crime No. 0260/2025 dated 20.05.2025 registered in Phulambri Police Station, Dist. Chhatrapati Sambhajanagar.

5) That the applicants and respondent no. 2 have entered into the compromise out of their own will and desire and the applicants and the respondent no. 2 have arrived at an amicable settlement.

6) That the contents of this document are read over and explained to applicants and respondent no. 2/original complainant in vernacular language and the applicants and respondent no. 2/original complainant understands the contents of this document.

7) That in view of the compromise the criminal application may kindly be disposed off by appropriate orders."

6. The learned counsel appearing for the Respondent No. 2/informant has not disputed about the fact of settlement of matrimonial dispute between the applicants/accused and Respondent No.2/informant. In view of the compromise, the learned counsel for the applicants submits that the application be allowed. The counsel submits that compounding is permissible in view of judgment of the Hon'ble Supreme Court in the case of **Gian Singh V/s State of Punjab and Another**, reported in (2012) 10 SCC 303. Reliance is also placed on the judgment of the Supreme Court in the case of **Pramod Kumar Agrawal and Another V/s. The State of Madhya Pradesh and Another**; (2021) 17 SCC 802.

7. In case of ***Suresh Nathmal Rathie & Ors. Vs. State of Maharashtra & Ors., 1991 (2) Mh. L.J. 1106***, the Single Bench of this Court held in paras 21 as under:

“After giving conscious consideration to the case and also the facts placed before me for seeking the permission and to direct the Judicial Magistrate First Class to allow the parties to compound the offence, no doubt, such permission can be granted only under the peculiar and social circumstances and considering the facts and circumstances, it is a peculiar and special case. As it is submitted in the applications Exhibits 34 and 35 filed before the J.M.F.C. Shegaon and statement made by Shri Bhattad, the learned Counsel for the petitioners, it is crystal clear that now there is no dispute between the parties and the complainant Smt. Shobha is leading happy married life. If the permission sought for to compound the offence punishable under section 498-A of Indian Penal Code, is not considered, there would be a destruction of the married life and they would not prolong well in the eyes of the society. If the hanging sword is over the neck of the husband as well as the old mother and the brothers, the relations may again become strained and there would be a destruction of the happy life of Smt. Shobha and her husband. It may be that at one point of time, the husband and the relations had committed some undescribed Act, but subsequently, the facts reveal that they repent and ultimately, all are happy. Under these circumstances, it would not be desirable to reject the prayer made by the petitioners and to disturb their happy life. On the contrary, the husband and wife are enjoying the peaceful life. Under the circumstances and in the interest of the maintenance of the coordinative relationship between husband and wife as well as other members of the family, the petitioners be allowed to compound the offence under section 498-A of the Indian Penal Code.”

8. In case of *Narinder Singh & Ors. Vs. State of Punjab, (2014) 6*

SCC 466, the Hon'ble Supreme Court has held as follows:-

"27. In the case of Dimpey Gujral (supra), observations of this Court to the effect that offences involved in that case were not offences against the society. It included charge under Section 307 Indian Penal Code as well. However, apart from stating so, there is no detained discussion on this aspect. Moreover, it is the other factors which prevailed with the Court to accept the settlement and compound the offence, as noted above while discussing this case. On the other hand, in Shambhu Kewat (supra), after referring to some other earlier judgments, this Court opined that commission of offence under Section 307 Indian Penal Code would be crime against the society at large, and not a crime against an individual only. We find that in most of the cases, this view is taken. Even on first principle, we find that an attempt to take the life of another person has to be treated as a heinous crime and against the society.

28. Having said so, we would hasten to add that though it is a serious offence as the accused person(s) attempted to take the life of another person/victim, at the same time the court cannot be oblivious to hard realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 Indian Penal Code as well.

Therefore, only because FIR/Charge-sheet incorporates the provision of Section 307 Indian Penal Code would not, by itself, be a ground to reject the petition under Section 482 of the Code and refuse to accept the settlement between the parties. We are, therefore, of the opinion that while taking a call as to whether compromise in such cases should be effected or not, the High Court should go by the nature of injury sustained, the portion of the bodies where the injuries were inflicted (namely whether injuries are caused at the vital/delicate parts of the body) and the nature of weapons used etc. On that basis, if it is found that there is a strong possibility of proving the charge under Section 307 Indian Penal Code, once the evidence to that effect is led and injuries proved, the Court should not accept settlement between the parties. On the other hand, on the basis of prima facie assessment of the aforesaid circumstances, if the High

Court forms an opinion that provisions of Section 307 Indian Penal Code were unnecessary included in the charge sheet, the Court can accept the plea of compounding of the offence based on settlement between the parties.

29. At this juncture, we would like also to add that the timing of settlement would also play a crucial role. If the settlement is arrived at immediately after the alleged commission of offence when the matter is still under investigation, the High Court may be somewhat liberal in accepting the settlement and quashing the proceedings/investigation. of course, it would be after looking into the attendant circumstances as narrated in the previous para. Likewise, when challan is submitted but the charge has not been framed, the High Court may exercise its discretionary jurisdiction. However, at this stage, as mentioned above, since the report of the I.O. under Section 173, Code of Criminal Procedure is also placed before the Court it would become the bounding duty of the Court to go into the said report and the evidence collected, particularly the medical evidence relating to injury etc. sustained by the victim. This aspect, however, would be examined along with another important consideration, namely, in view of settlement between the parties, whether it would be unfair or contrary to interest of justice to continue with the criminal proceedings and whether possibility of conviction is remote and bleak. If the Court finds the answer to this question in affirmative, then also such a case would be a fit case for the High Court to give its stamp of approval to the compromise arrived at between the parties, inasmuch as in such cases no useful purpose would be served in carrying out the criminal proceedings which in all likelihood would end in acquittal, in any case."

9. In case of *Gian Singh -vs- State of Punjab, (2012) 10 SCC*

303, the Hon'ble Supreme Court has also conceded about the quashing of the case in terms of the settlement arrived at between the parties and observed in para 6 as follows:-

6. In *Nikhil Merchant AIR 2009 SC 428*, a company, M/s. *Neemuch Emballage Ltd.*, Mumbai was granted financial

assistance by Andhra Bank under various facilities. On account of default in repayment of loans, the bank filed a suit for recovery of the amount payable by the borrower company. The bank also filed a complaint against the company, its Managing Director and the officials of Andhra Bank for diverse offences, namely, Section 120-B read with Sections 420, 467, 468, 471 of the Indian Penal Code read with Sections 5(2) and 5(1)(d) of the Prevention of Corruption Act, 1947 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. The suit for recovery filed by the bank against the company and the Managing Director of the Company was compromised. The suit was compromised upon the Defendants agreeing to pay the amounts due as per the schedule mentioned in the consent terms. Clause 11 of the consent terms read, "agreed that save as aforesaid neither party has any claim against the other and parties do hereby withdraw all the allegations and counter-allegations made against each other". Based on Clause 11 of the consent terms, the Managing Director of the Company, the Appellant who was accused No. 3 in charge sheet filed by CBI, made application for discharge from the criminal complaint. The said application was rejected by the Special Judge (CBI), Greater Bombay, which came to be challenged before the Bombay High Court. The contention before the High Court was that since the subject matter of the dispute had been settled between the Appellant and the bank, it would be unreasonable to continue with the criminal proceedings. The High Court rejected the application for discharge from the criminal cases. It is from this order that the matter reached this Court by way of special leave. The Court having regard to the facts of the case and the earlier decision of this Court in B.S. Joshi, AIR 2003 SC 1386: (2003) 4 SCC 675, set aside the order of the High Court and quashed the criminal proceedings by consideration of the matter thus:

28. The basic intention of the accused in this case appears to have been to misrepresent the financial status of the Company, M/s Neemuch Emballage Ltd., Mumbai, in order to avail of the credit facilities to an extent to which the Company was not entitled. In other words, the main intention of the Company and its officers was to cheat the

Bank and induce it to part with additional amounts of credit to which the Company was not otherwise entitled.

29. Despite the ingredients and the factual content of an offence of cheating punishable Under Section 420 Indian Penal Code, the same has been made compoundable under Sub-section (2) of Section 320 Code of Criminal Procedure with the leave of the court. of course, forgery has not been included as one of the compoundable offences, but it is in such cases that the principle enunciated in B.S. Joshi case becomes relevant.

30. In the instant case, the disputes between the Company and the Bank have been set at rest on the basis of the compromise arrived at by them whereunder the dues of the Bank have been cleared and the Bank does not appear to have any further claim against the Company. What, however, remains is the fact that certain documents were alleged to have been created by the Appellant herein in order to avail of credit facilities beyond the limit to which the Company was entitled. The dispute involved herein has overtones of a civil dispute with certain criminal facets. The question which is required to be answered in this case is whether the power which independently lies with this Court to quash the criminal proceedings pursuant to the compromise arrived at, should at all be exercised?

31. On an overall view of the facts as indicated hereinabove and keeping in mind the decision of this Court in B.S. Joshi case and the compromise arrived at between the Company and the Bank as also Clause 11 of the consent terms filed in the suit filed by the Bank, we are satisfied that this is a fit case where technicality should not be allowed to stand in the way in the quashing of the criminal proceedings, since, in our view, the continuance of the same after the compromise arrived at between the parties would be a futile exercise."

10. From the terms of compromise, it appears that the parties have settled the dispute amicably and have decided to set at rest the present criminal proceeding. Therefore, considering the law laid down in the cases cited supra as well societal interest between the parties, in order to secure the ends of justice and to prevent an abuse of process of law, it will be just and proper to quash and set aside the F.I.R. Hence, the following order:

ORDER

- i) Criminal Application stands allowed.
- ii) First Information Report bearing Crime No. 0260/2025, dated 20.05.2025, registered with Phulambri Police Station, Dist. Chh. Sambhajinagar for the offence punishable under Sections 85, 115(2), 352, 351(2), 351(3), 3(5) of Bhartiya Naya Sanhita, 2023 is hereby quashed and set aside as against all the applicants.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan