

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 489 OF 2025

Santosh Shankarrao Nisalkar & Ors.

..Applicants

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Ganesh T. Jadhav for Applicants.

Mr. S. R. Agarkar, APP for State/Respondent.

Mr. Vishal Patil a/w. Yogesh Rathod for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 30 APRIL 2025

PC :

1. This is an application for quashing of the proceedings pending before the J.M.F.C, Satara, in R.C.C.No.445 of 2017 arising out of the C.R.No.733 of 2016, registered at Satara City police station, under sections 498A, 323, 504 and 506 r/w. 34 of the I.P.C.

2. The F.I.R. was lodged by the Respondent No.2. The Applicant No.1 is her husband, the Applicant Nos.2 and 3 are his parents, the Applicant No.4 is his brother and the Applicant No.5 is

his uncle. The investigation is over and the charge-sheet is filed. In fact, the trial has begun. The informant was examined as PW-1 way back in the year 2018. At this belated stage, the parties have settled their dispute and have prayed for quashing of the proceedings by consent.

3. It is not necessary to refer to the allegations in detail because the parties have not only settled the dispute, but the informant and the Applicant No.1 have decided to stay together. They have a daughter aged 17 years. It would be in the interest of not only the Applicant No.1 and the informant but also their 17 year old daughter. Very briefly, the allegations against the Applicants are that the informant got married with the Applicant No.1 on 11.05.2006 at Satara. The entire expenses for the marriage were borne by the informant's parents. Initially for about 15 days, she was treated properly, but subsequently, the applicants started illtreating her. There are allegations that her stridhan was taken away from her. There was an allegation that her mother in law had taken Rs.40000/- from her. She was working at that time, but her salary was taken by the applicants. She was not given

assistance of any house-help. Her mother in law suffered from Cancer in the year 2008. At that time, the family wanted to buy a car. The Applicants demanded Rs.4 lakhs from the informant. They also purchased a flat. At that time, the informant paid Rs.50000/- and her father had paid Rs.1,50,000/- to the applicants. She gave birth to her daughter in May 2008. There are allegations that, she was being abused and beaten. Subsequently, they started demanding Rs.4 lakhs for purchasing plot of land. She was driven out of her house. On these allegations the F.I.R. was lodged and in consonance with the F.I.R. she deposed before the Court.

4. The parties have now settled their dispute. The informant has filed her Affidavit-in-reply. She has stated in her affidavit that after extensive discussion and deliberation, the parties have decided to live together as husband and wife with their daughter. She has no intention to pursue this prosecution any further as their dispute is settled. She has given her specific no objection for quashing of these proceedings.

5. The informant appeared before the Court through video

conferencing. She is identified by her learned counsel. She reiterated her wish to stay with the Applicant No.1 henceforth. She told the Court that she has no objection for quashing of the proceedings.

6. However, in the present case the trial has commenced and the Respondent No.2 has given her evidence. At this belated stage, the parties have come forward for quashing of the proceedings by settlement. In this context, a reference can be made to the observations of the Hon'ble Supreme Court in the case of **Ramgopal and another Vs. The State of Madhya Pradesh** in Criminal Appeal No.1489/2012 decided on 29.9.2021. Two important paragraphs for our purpose are paragraphs-13 & 19, which read thus :

“13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that

the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the Accused, before and after the incidence. The touchstone for exercising the extra-ordinary power Under Section 482 Code of Criminal Procedure would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers Under Section 482 Code of Criminal Procedure may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh and Ors. v. State of Punjab and Ors.* (2014) 6 SCC 466 and *State of Madhya Pradesh Vs. Laxmi Narayan & Ors.* (2019) 5 SCC 688.

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19. We thus sum-up and hold that as opposed to Section 320 Code of Criminal Procedure where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power enjoined upon a High Court Under Section 482 Code of Criminal Procedure or

vested in this Court Under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Code of Criminal Procedure Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the Accused and the victim; & (iv) Conduct of the Accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

. The Hon’ble Supreme Court has observed that where the compromise is struck post-conviction, the High Court ought to exercise such discretion keeping in view the circumstances surrounding the incident.

7. In this case, the conviction is still further away. The trial is going on but in the background of the settlement between the parties, continuation of the trial would not serve any real purpose. The Respondent No.2 does not have grievance against any one anymore. It would be in the interest of all the parties concerned and in particular in the interest of the informant’s daughter that the prosecution is quashed. The parties have decided to stay

together. Therefore, we are inclined to allow this petition. Though, the trial has progressed and the informant was examined as PW-1, in view of subsequent settlement the prosecution can be quashed and set aside.

8. Hence, the following order:

O R D E R

- i) The proceedings pending before the J.M.F.C, Satara, in R.C.C.No.445 of 2017 arising out of the C.R.No.733 of 2016, registered at Satara City police station, under sections 498A, 323, 504 and 506 r/w. 34 of the I.P.C. are quashed and set aside.
- ii) The Application is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)