

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Application No. 491 of 2025

Santosh Shanarrao Nisalkar	...	Applicant
V/s.		
The State Of Maharashtra And		
Anr.	...	Respondents

Mr. G. T. Jadhav – Advocate for the Applicant.

Adv. Vishad Patil with Yogesh Rathod – Advocate for Respondent
Mr. B. V. Holambe – Patil – APP for the Respondent-State

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

DATE : 2nd May 2025.

P.C.:

This is a petition for quashing of the proceedings arising out of C.R. No. 27/2017 registered with Shahapuri Police Station dated 30th January 2017 under Sections 354,323,504,506 read with Section 34 of the Indian Penal Code and the Regular Criminal Case No.222/2017 pending before the Chief Judicial Magistrate, Satara.

2. The FIR was lodged by the Respondent No.2. The Petitioner No.1 is her husband. The Petitioner No.2 is her brother-in-law and the Petitioner No.3 is her mother-in-law. The FIR mentions that she was married to the Petitioner No.1 in the year 2006. They have a daughter who is today 17 years of age. There was a marital discord.

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Respondent No.2 had filed case under Section 498A and also under Protection of Women from Domestic Violence Act, 2005 in the Court at Satara. The custody of the daughter was retained by the Petitioner No.1.

3. The incident which is subject matter of these proceedings is dated 30th January 2017. On that day at around 5.30 p.m. the informant had gone to the house of the Petitioners to meet her daughter. The allegations are that at that time she was assaulted by the Petitioners. She was abused. Her parents came to rescue and thereafter this FIR was lodged. The charge-sheet was filed and the trial has progressed. Three witnesses including the first informant are already examined. At this belated stage the parties have approached this Court for quashing of these proceedings on the ground of settlement.

4. Ordinarily, we would be slow in entertaining such applications but in this case the parties have not only settled their dispute but the informant has started residing with the Petitioner No.1 and their daughter. 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***¹. 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 pre-

¹ Criminal Appeal No. 1489/2012 dt.29/9/2021

dominantly 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.

5. 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.

6. In consonance with these observations, we are deciding this application. The Respondent No.2 has filed her affidavit and has stated that disputes are resolved through mutual consent and understanding. She has no further intention to pursue any action in the matter. She has given her specific no objection for quashing of these proceedings.

7. The Respondent No.2 is present before the Court. She reiterated the contents of the affidavit. She is identified by her learned Counsel. She stated before the Court that she has started residing with the Petitioner No.1 and their daughter and that she has no grievance against the Petitioner No.1. She wants to lead a happy married life with her husband and daughter.

8. Considering the stand taken by the Respondent No.2, in the interest of their daughter, we are inclined to allow this application and pass the following order:

ORDER

- (i) The Criminal Application is allowed.

(ii) The F.I.R. registered vide C.R. No.27/2017 with Shahapuri Police Station dated 30th January 2017 under Sections 354,323,504,506 read with Section 34 of the Indian Penal Code and the Regular Criminal Case No.222/2017 pending before the Chief Judicial Magistrate, Satara. are quashed and set aside.

9. The Criminal Application stands disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)