



Judgment

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

CRIMINAL APPLICATION (APL) NO.1609 OF 2025

1. Sh.Prateek s/o Kawadu Karmarkar,
aged about 36 years, occupation: service,
2. Sh.Kawadu s/o Ganpat Karmarkar,
aged about 65 years, occupation: retired.
3. Smt.Asha w/o Kawadu Karmarkar,
aged about 61 years, occupation: housewife.
4. Ms.Pallavi d/o Kawadu Karmarkar,
aged about 30 years, occupation: doctor.

Applicant Nos.1 to 4 -
r/o T-16, Pioneer Residency Park,
Somalwada, Wardha Road,
Nagpur-440 025.

5. Dr.Sudhir s/o Ganpat Patil,
aged about 49 years, occupation: doctor,
flat No.R1, Renuka Apartment,
plot No.29, Opp.Tatya Tope Hall,
Tatya Tope Nagar, Vivekanand Nagar,
Nagpur.

6. Smt.Priya w/o Sudhir Patil,
aged about 42 years, occupation: housewife,
flat No.R1, Renuka Apartment,
plot No.29, Opp.Tatya Tope Hall,
Tatya Tope Nagar, Vivekanand Nagar,

Nagpur.

..... Applicants.

:: VERSUS ::

1. The State of Maharashtra,
through Police Station Officer,
Sonegaon Police Station,
Nagpur.

2. Smt.Sonali w/o Prateek Karmarkar,
aged about 32 years, occupation: housewife,
presently r/o plot No.85, Gautam Nagar,
Bhadravati, district Chandrapur. Non-applicants.

Shri A.T.Purohit, Counsel for Applicants.
Mrs.Swati Kolhe, Addl.PP for NA No.1/State.
Shri A.A.Dhawas, Counsel for NA No.2.

CORAM : URMILA JOSHI-PHALKE &
NANDESH S.DESHPANDE, JJ.

CLOSED ON : 03/11/2025
PRONOUNCED ON : 23/12/2025

JUDGMENT (Per : Urmila Joshi-Phalke)

1. Heard learned counsel Shri A.T.Purohit for applicants; learned Additional Public Prosecutor Mrs.Swati Kolhe for non-applicant No.1/State, and learned counsel Shri A.A.Dhawas for non-applicant No.2. **Admit.**

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2. The present application is preferred by applicants under Section 482 of the CrPC for quashing of FIR in connection with Crime No.57/2021 registered under Sections 498-A, 504, and 506 read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.2466/2021.

3. The applicants, who are husband and nearest relatives of the husband of non-applicant No.2 (the informant), approached this court for quashing of FIR as the crime is registered on the basis of a report lodged by the informant on allegations that her marriage was performed with applicant No.1 on 1.2.2019. After the marriage, she resumed cohabitation at the house of applicants. However, she was not treated well and she was subjected for harassment physically and mentally.

As far as applicant Nos.2 to 6 are concerned, she alleged that they used to instigate applicant No.1 and

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on that instigation, he used to physically and mentally harass her.

On 3.10.2019, at about 8:30 pm, when she was sleeping in her bedroom, her in-laws and sister-in-law entered into her bedroom and abused her and her husband has also abused her. Thereafter also, the said physical abuses were continued and, therefore, she approached the police station and lodged the report. On the basis of the said report, the police have registered the crime against applicants.

4. During the pendency of this application, both parties have arrived at an amicable settlement and as per the settlement, they have decided to withdraw all disputes amongst themselves. They have entered into Memorandum of Understanding and decided to live peacefully in future without interfering in lives of each other. It was agreed between them that non-applicant

No.2 will accept amount Rs.18.00 lacs towards full and final settlement and they have also decided to obtain Decree of Resolution of Marriage.

5. Both parties were present before the court. Contents of affidavit as well as contents of Memorandum of Understanding are verified from them.

6. The Hon'ble Apex Court in the case of **Gian Singh vs. State of Punjab and anr, reported in MANU/SC/0781/2012**, observed that, "*where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor*".

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In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable.

7. In view of above observations, the application deserves to be allowed. However, at the same time, considering, that the police machinery have spared their time for their investigation as well as during adjudication, the courts have also spared its time and, therefore, the application deserves to be allowed subject to costs. Accordingly, we proceed to pass following order:

ORDER

(1) The Criminal Application is **Allowed**.

(2) FIR in connection with Crime No.57/2021 registered under Sections 498-A, 504, and 506 read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.2466/2021, are hereby quashed and set aside to the extent of present applicants.

(2) Applicants shall deposit costs Rs.10,000/- and Rs.10,000/- by non-applicant No.2 with The Nagpur Police Welfare Fund at Nagpur.

(3) This order will come into effect after compliance of the payment of the costs. The compliance be reported this court.

Application stands **disposed of**.

(NANDESH S.DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)