



Judgment

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [APL] No. 940 OF 2024.

1.Mr. Kuldeep Kapnichor,
(Application withdrawn against
applicant no.1 vide order dated 03.07.2024)

2.Krushnaji Gulabrao Kapnichor,
Aged about 60 years, Occupation – Milkman
(Father-in-law)

3.Sai.Manju w/o Krushna Kapnichor,
Aged 54 years, Occupation – Household
(Mother in law)

Applicant Nos.1 to 3 resident of Waddhamna
Amravti Road, Tahsil Hingna,
District Nagpur – 440023.

4.Sau. Sonu alias Rupali w/o Aashish Langote,
Aged about 33 years, Occupation – Household
resident of Prabhag No.27, Near Vitthal
Rakumai Mandir, Wadgaon, Mothi Arni
Road, Yawatmal 445001 (Sister in law) ...

APPLICANTS.

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Aasthi, Tq. Aasthi,
District Wardha.

Rgd.

2.Mrs. Vaishali w/o Kuldeep Kapnichor,
Aged about 23 years, Occupation -
Household, c/o. Shri Niranjana Bitni,
Mukkam Rahati (Het), Post Kajali,
Tahsil Karanja, District Wardha,
and/or
c/o. Mukundrao Kadtai,
Mukkam Bhamarda, Post Sarwadi,
Tahsil Ashti, District Wardha. ... **NON-APPLICANTS.**

Mr. H. Puranik, Advocate for Applicants.
Ms R.V. Sharma, A.P.P. for Non-applicant No.1.
Shri D. Khushlani, Advocate for Non-applicant No.2.

CORAM : ANIL L. PANSARE AND
M. M. NERLIKAR, JJ

DATE : AUGUST 06, 2025.

ORAL JUDGMENT (Per Anil L. Pansare, J) :

Heard. Issue Rule, returnable forthwith. Ms R.V. Sharma, learned A.P.P. waives service for Non-applicant No.1 and Mr. D. Khushlani, Advocate waives service for Non-applicant no.2. With consent of the learned Counsel for the parties, the application is taken up for final hearing.

Rgd.

2. The present Application is filed by applicants for quashing the First Information Report No.298/2023 dated 17.11.2023, registered with Ashti Police Station, District Wardha for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, as also the Charge Sheet No.09/2024 filed before the Judicial Magistrate First Class, Aashti, on account of settlement arrived between the parties. The said first information report is lodged by the non-applicant no.2 against her husband and in-laws.

3. The learned Counsel for the applicants submits that the matter has been amicably settled in terms of compromise, and an affidavit recording compromise is filed on-line on 25.06.2025. The learned Counsel has tendered across the bar, hard copy of the said terms of compromise. The same is taken on record.

4. In terms of the said compromise, the applicant no.1 and non-applicant no.2 have decided to take divorce by mutual consent. The proceedings under Section 13-B of the Hindu Marriage Act,

1955 are filed before the Civil Court at Arvi. The learned Counsel for applicants submits that the applicant no.1 has paid an amount of Rs.5,00,000/- to the non-applicant no.2 towards one time settlement, and a receipt is filed on record. The proceedings under the provisions of Domestic Violence Act, have been withdrawn.

5. The applicants and non-applicant no.2 are personally present in the Court. They are identified by their respective Counsel. On query, the non-applicant no.2 states that she is not willing to prosecute the present matter and has no objection for quashing of the first information report.

6. Thus the parties have decided to settle the dispute and to lead peaceful life. That being so, and considering the nature of dispute and subsequent developments, continuation of proceedings will yield no useful result, rather it would amount to an abuse of the process of law.

7. The Hon'ble Supreme Court in the case of **Madhukar and others Vs. State of Maharashtra and anr. (2025 SCC Online SC 1415)**, while quashing offence punishable under Section 376 of the

Rgd.

Indian Penal Code on the basis of compromise made between the parties held that, though the offence is grave and heinous, and quashing of such offence is discouraged, the power of Section 482 of the Code of Criminal Procedure to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

8. In the light of above, since the continuation of proceeding remains a futile exercise, we find this case fit for invoking jurisdiction under Section 482 of the Code of Criminal Procedure. Hence, following order:-

(I) Criminal Application is allowed in terms of prayer clause (i) and (i-a) which reads thus:-

“(i) Quash the F.I.R. No.298/2023 dated 17/11/2023 (Annexure-F) lodged with the Non-applicant No.1 under Section 323, 498-A, 34, 504, 506 of the Indian Penal Code;

(i-a) quash and set aside the charge sheet bearing Charge Sheet No.09/24 which is filed for the offense punishable under Section 498-A, 323, 504, 506 and 34 of the Indian Penal Code, 1860, pending before the Judicial Magistrate First Class, Aashti.”

- (II) Rule is made absolute in aforesaid terms.
- (III) Pending Misc. Applications, if any, also stands disposed of.

JUDGE

JUDGE