



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

Criminal Application (APL) No. 205 of 2025

Santosh S/o Ishwar Kale,
Aged about 36 years, Occ. Private
R/o Near Nandu Kirana Stores,
Kachipura, Nagpur

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1. The State of Maharashtra through
Police Station Officer, Police Station
Imamwada, Nagpur
2. Babita Kishore Dhupe (Babita Santosh
Kale), Aged about 46 years, R/o Near
Nandu Kirana Stores, Kachipura,
Nagpur

... Non-applicants

Shri Sameer P. Sonwane, Advocate for the applicant.
Shri N.H.Joshi, APP for the non-applicant/State
Ms. Shiba Thakur, Advocate for the non-applicant no.2.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 27th MARCH, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Rule. Rule is made returnable forthwith. By consent of the
learned counsel for the parties, the matter is taken for final disposal.

2. By way of present application, the applicant seeks to quash
and set aside the proceedings of Sessions Case No. 20 of 2022 (State Vs.

Santosh Ishwar Kale) pending before District Judge-4 and Additional Sessions Judge, Nagpur arising out of First Information Report and Charge-sheet in Crime No. 437 of 2021 registered with Police Station Imamwada for the offence punishable under Sections 307, 341 and 506(2) of Indian Penal Code, 1860 and Sections 4 and 25 of Arms Act, 1959 read with Section 135 of Maharashtra Police Act, 1951.

3. In the present case, non-applicant no.2 lodged the police complaint on 14th September, 2021 alleging that she has performed second marriage with the applicant in the year 2010. However, there was a matrimonial discord and thereafter she was residing separately. She alleged that on 14th September, 2021 when she was on her way for her job, at that time applicant suddenly intercepted her vehicle and requested her to reside with him at Hingna. At that time there was a verbal quarrel between them and applicant tried to assault her. Therefore, the police report was lodged on 14th September, 2021 at Police Station Imamwada, District Nagpur.

4. After the registration of offence, investigation was conducted and matter was committed to the Sessions Court for trial. Before the

Sessions Judge, Nagpur, in Session Case No. 20 of 2022 the trial has been commenced and after framing of charge, prosecution has examined the witnesses and now matter is fixed for examination of remaining witnesses.

5. However, during the pendency of the sessions trial, due to intervention of well-wisher and other family members, they have arrived for settlement as the dispute is arose out of matrimonial discord and it was decided between the applicant and non-applicant no.2 to lead a happy married life in future for the welfare of children.

6. In view of their amicable settlement, the non-applicant no.2/informant filed affidavit dated 12th November, 2024 stating that their dispute has been amicably resolved and both have decided to lead happy married life in future. As such non-applicant no.2 do not want to prosecute the matter against the applicant and ready to support him for quashing of the charge-sheet.

7. It is also necessary to note down that Hon'ble Supreme Court of India, time and again held that it is the duty of the Court to encourage genuine settlement of matrimonial dispute. It is also held that if for the purpose of securing ends of justice, quashing of FIR becomes necessary,

Section 320 of Code of Criminal Procedure would not be a bar to exercise the power of quashing of First Information Report. This view is recently confirmed by the Hon'ble Supreme Court in the case of B.S.Joshi and others Vs. State of Haryana and another reported in 2003(4) SCC 675.

8. In the present case, it is clear from the settlement of both the parties who are husband and wife, that they want to settle their dispute amicably and to lead a happy married life in future. In such circumstances, continuing criminal proceeding against applicant would be a hyper technical view and would be an act against the interest of woman and object for which Section 498-A was added by the Legislature.

Hence, as the law laid down by the Hon'ble Supreme Court of India to encourage genuine settlement of matrimonial dispute, we are of the considered view that it is a fit case to quash and set aside the proceedings pending against applicant to lead a happy married life. Accordingly, we pass the following order.

i. Criminal Application No. 205 of 2025 is allowed;

ii. The proceeding in Sessions Case No. 20 of 2022 (State Vs. Santosh Ishwar Kale) pending before learned District Judge-4 and Additional Sessions Judge, Nagpur arising out of Crime No. 437 of 2021 registered with Police Station Imamwada, Nagpur for the offence punishable under Sections 307, 341 and 506(2) of Indian Penal code, 1860 and Sections 4 and 25 of the Arms Act, 1959 read with Section 135 of Maharashtra Police Act, 1951 is hereby quashed and set aside.

iii. Rule is made absolute in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]