



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

CRIMINAL APPLICATION NO.84 OF 2023

Shubham s/o Bhimrao Thombre, aged
about 29 years, Occ. Doctor, r/o Hariom
Nagar, Digras, Tq. Digras Distt.
Yavatmal.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police
Station Officer, P.S. Wadi, Nagpur
City, Nagpur.
2. XYZ, Victim In Crime No. 494/21
Police Station Officer, Police Station
Wadi, Nagpur City, Nagpur.

... NON-APPLICANT(S).

AND

CRIMINAL APPLICATION NO.473 OF 2022

1. Bhimrao Damodar Thombare, Age 60
Occ. Retired Teacher.
2. Sau. Kausalya Bhimrao Thombare, age :
52 , Occ. Houehold, Both r/o Hari Om
Nagar, Digras, Tq. Digras, Distt.
Yavatmal.
3. Monali Bhimrao Thombare @ Mohali
Harshvardhan Bhagat Age : 27, Occ.

Household, R/o Lohara, Tq. Karanja,
Dist. Washim.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police
Station Officer, Wadi, Tq. Nagpur,
Dist. Nagpur.
2. XYZ, Victim/complainant, Crime No.
494/21 with registered P.S.O. Wadi,
Nagpur, Dist. Nagpur.

... NON-APPLICANT(S).

Criminal Application No.84 of 2023

Shri Ashish Girdekar, Advocate for the applicant.

Shri A.R. Chutake, Addl.PP for the State.

Mrs. Swati Paunikar, Advocate for non-applicant no. 2.

Criminal Application No.473/2022

Shri Shaharukh S. Sheikh, Advocate for the applicants.

Ms. S. Z. Haider, Addl.PP for the State.

Ms Swati Paunikar, Advocate for non-applicant no.2.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 29.04.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

RULE. Rule made returnable forthwith.

2. The matters are taken up for final disposal by consent of

both the parties as both the applications are arising out of the same crime.

3. By these applications the applicants are seeking quashment of Criminal Proceedings bearing R.C.C. No.1482 of 2022 pending on the file of learned District and Sessions Judge, Nagpur arising out of First Information Report No.494 of 2021 registered with the Wadi Police Station, District Nagpur for the offence punishable under Sections 376-C(a), 378, 384, 403, 408 and 418 of the Indian penal Code, on the ground of Compromise Agreement entered between the parties.

4. Non-applicant no.2 filed a private complaint under Section 156(3) of the Code of Criminal Procedure before the learned Judicial Magistrate First Class, Nagpur vide Criminal Complaint No.22/2020 alleging that initially, she had performed love marriage with applicant/Shubham on 30.12.2018 and thereafter, with the consent of all family members, as per the rites and customs performed marriage on 13.01.2019. Accordingly, she has cohabited with applicant/Shubham as husband and wife. However, from 13.03.2020 the applicant/husband Shubham had left the house without any intimation and along with him took all gold ornaments owned by non-

applicant no. 2. In respect of other applicants she alleged that when she went to house of the applicant on 06.09.2020 for enquiry, she was abused by them. As such, on the basis of these allegations, offence came to be registered against the present applicants.

5. During pendency of the present applications, non-applicant no. 2 stated that out of misunderstanding and heat of the moment, she has lodged the complaint against the present applicants and therefore, considering the same as a matrimonial dispute, the matter be referred to the Mediator for settlement. As such, by order of this Court dated 07.03.2025, the matter was referred to the learned Mediator. On 12.03.2025, the learned Mediator submitted the report stating that matter has been amicably settled between the parties and they have entered into the Compromise Agreement dated 12.03.2025, which has been duly signed by both the parties and verified by the learned Mediator. As per the said settlement, non-applicant no. 2 is ready to withdraw all the criminal proceedings registered against the present applicants. The said report is taken on record and marked as 'Article X'.

6. In the case of *Narinder Singh and ors. vs. State of Punjab and ors. (2014) 6 SCC 466* the Hon'ble Supreme Court has laid down the guiding principles for accepting or refusing the amicable settlement

between the parties while exercising the powers under Section 482 of the Code of Criminal Procedure. One of the guiding principles according to the Hon'ble Supreme Court is that in the cases where matter are arising of matrimonial disputes and both the parties amicably settled their all issues then the High Court should be liberal in accepting the settlement to quash the criminal proceedings.

7. In view of the above factual as well as legal position, it is clear that there is no impediment to accept the amicable settlement arrived between the parties and quash and set aside the criminal proceedings registered against the present applicants. Hence, we pass the following order :

- (a) The Criminal Applications are allowed.
- (b) Criminal Proceedings bearing R.C.C. No.1482 of 2022 pending on the file of learned District and Sessions Judge, Nagpur arising out of First Information Report No.494 of 2021 registered with the Wadi Police Station, District Nagpur for the offence punishable under Sections 376-C(a), 378, 384, 403, 408 and 418 of the Indian penal Code is hereby quash and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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