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

CRIMINAL APPLICATION [APL] NOS. 900, 290 & 441 OF 2025.

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CRIMINAL APPLICATION [APL] NO.900/2025.

Akshay s/o Rammilan Pal,
Aged about 33 years, Occupation –
Service, presently resident of Flat No.201,
Sai Villa Apartment, Opp. Ira International
School, Revati Nagar, Besa Road,
Nagpur. ... APPLICANT.

VERSUS

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

2.XYZ in FIR No.737/2023
registered at Police Station Beltarodi,
Nagpur. ... NON-APPLICANTS.

WITH

CRIMINAL APPLICATION [APL] NO.290/2025.

1.Kavita d/o Rammilan Pal,
Aged about 39 years, Occupation –
Private Job, resident of Flat No.139,

Bharat Building, First Floor,
Near Poddar Jumbo School,
Besa Road, Nagpur.

2.Shewta d/o Rammilan Pal,
Aged about 35 years, Occupation –
Private Job, resident of Flat No.201,
Sai Villa Apartment, Opp. Ira International
School, Revati Nagar, Besa Road,
Nagpur. ... APPLICANTS.

VERSUS

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

2.XYZ in FIR No.737/2023
registered at Police Station Beltarodi,
Nagpur. ... NON-APPLICANTS.

WITH

CRIMINAL APPLICATION [APL] NO.441/2025.

Rajkumari w/o Nandulal Pali,
Aged about 60 years, Occupation –
Housewife, resident of 1/12, Ashwini
Darwah Road, Near Dakshata Hall,
Police Line, Yavatmal 445001. ... APPLICANT.

VERSUS

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

2.XYZ in FIR No.737/2023
registered at Police Station Beltarodi,
Nagpur. ... NON-APPLICANTS.

Mr. S.P. Sonwane, Advocate for the Applicants.
Mr. S.M. Ukey, A.P.P. for Non-applicant No.1.
Mr.J.B. Gandhi, Advocate for Non-applicant No.2.

CORAM : NITIN W. SAMBRE
AND M.M. NERLIKAR, JJ.

DATE : JULY 08, 2025.

ORAL JUDGMENT (PER M.M. NERLIKAR, J.) :

Heard. Rule. Rule is made returnable forthwith and by consent of learned Counsel appearing for the parties, matters are taken up for final disposal.

2. The informant [Non-applicant No.2] in the present matters has lodge a complaint with non-applicant no.1 Beltarodi Police Station, Nagpur on 18.12.2023, which came to be registered as First Information Report No.737/2023 for the offence punishable

under Sections 498-A, 377 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, 1961. The said first information report is registered against all the applicants. Applicant in Criminal Application No.900/2025 is husband of the informant, while applicant in Criminal Application No.290/2025 are sisters namely - Kavita Pal and Shweta Pal of husband and applicant in Criminal Application No.441/2025 is maternal aunt of husband. On the basis of the complaint so lodged, the prosecution has carried out investigation and on completion of the same, has filed charge sheet before the competent Court of law, which has been registered as R.C.C.No.2514/2024 and is pending before the 11th Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur.

3. The prosecution case in short is that – marriage between the informant and applicant – Akshay was solemnized on 15.05.2023 at Nagpur. The informant has alleged that at the time of marriage her father has given valuable gifts to her husband which includes gold ornaments, motor cycle, motor car etc. It is further alleged that the father of informant had incurred expenses to the tune of Rs.20 lakhs

in the said marriage.

4. After marriage the informant went to her matrimonial house, where on 16.05.2023 her sister-in-law had taken some golden ornaments from her stating that the same belongs to her. They alleged certain things against her father on the count of not giving certain items in the marriage and entered into unwanted debate. The informant has alleged that her husband was in the habit of drinking liquor. It is further alleged that two sisters of applicant Akshay was also harassing the informant. It is also alleged that the applicant Akshay was forcefully doing unnatural sex with the informant, due to which she has sustained some injuries to her private part. It is further alleged that so far as Rajkumari Pali is concerned, who is maternal aunt, she demanded 5 Acres of land and 2 BHK flat. It is alleged that the sister-in-law Shewta has tried to hack the mobile of the informant through some third person. Based on these allegations the first information report for the offence as stated above, came to be registered.

5. All these three criminal applications are being filed for quashing of the first information report and consequential criminal proceedings arising therefrom, which is pending before the Joint Civil Judge and Judicial Magistrate First Class, Nagpur. The said relief is prayed on the basis of settlement arrived at between the parties.

6. The learned Counsel appearing for the applicants submitted that parties have settled their dispute before the Family Court by entering into a memorandum of understanding/consent terms, and based on that, a consent decree was passed in respect of divorce by mutual consent under Section 13[B] of the Special Marriage Act. However, the decree of divorce is not placed on record, and the reason canvassed for not placing the same is that it is passed on 01.07.2025 only.

7. Secondly, the informant i.e. wife has also filed her reply in the present matter and confirmed that the Family Court, Nagpur has passed a decree of divorce by mutual consent and now they want to proceed further in their life. Further the wife has given consent for

quashing of the first information report as well as the criminal proceedings.

8. Today the informant is personally present before the Court. She is identified by her Advocate. Upon interaction, she has stated before the Court that she has no objection if this Court quashes the first information report and criminal proceedings.

9. The learned Counsel for the applicants in support of his contention submitted that this Court is having ample powers under Section 482 of the Code of Criminal Procedure to quash and set aside the first information report and charge sheet, though Sections 498-A and 377 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act are non-compoundable, and in support has relied upon the landmark judgment of the Hon'ble Supreme Court in **Gian Singh .vrs. State of Punjab and another**, reported at **2012 Cr.L.J. 4934.** He submits that the law laid down in the said judgment specifically states that the High Court has inherent powers to quash the criminal proceedings.

10. We have considered the submissions advanced on behalf of the parties. We has also perused the judgment relied upon by the learned Counsel for the applicants. It is pertinent to note that the offence under Section 498-A and 377 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act are not compoundable, however, on the basis of settlement arrived in between the parties, in the given facts and circumstances noted above, the applicants have approached this Court under Section 482 of the Code of Criminal Procedure.

11. In catena of judgments of the Hon'ble Supreme Court as also various High Courts the scope and ambit of powers conferred on this Court by Section 482 of the Code of Criminal Procedure in particular context of the prayer for quashing criminal proceedings has been the subject matter of scrutiny. It is well settled that in exercise of inherent powers on the touchstone, as to whether the ends of justice so requires. In case of Gian Singh [supra], certain exceptions are carved out in respect of quashing of the proceedings, including matrimonial disputes. The same are as under.

"61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the

criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

12. Further in various judgments of Hon'ble Supreme Court like – State of Karnataka .vrs. L. Muniswamy (1977) 2 SCC 699, B.S. Joshi .vrs. State of Haryana (2003) 4 SCC 675, Gian Singh [supra], Narinder Singh .vrs. State of Punjab (2014) 6 SCC 466, Parbhatbhai Aahir Oarbatbhai Bhimsingbhai Kurmur (2017) 9 SCC 641, State of Madhya Pradesh .vrs. Laxmi Narayan and others (2019) 5 SCC 688, the following principles were culled out :

> *"55. Though the above-noted authoritative pronouncements of the Supreme Court have consistently laid down the broad principles governing the exercise of power of the High Court under Section 482 of the Cr. PC for bringing an end to the criminal process, for addressing the concerns noted at the outset and future guidance of trial courts, some of the crucial ones may be flagged as under:—*
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> > *(i). The inherent jurisdiction vested in the High Court, as recognized and preserved by Section 482 Cr. PC, is primarily to "prevent abuse of the process of court" or to "otherwise secure the ends of justice".*
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> > *(ii). The ends of justice are higher than the ends of mere law, the prime principle governing the exercise of inherent power being "to do real, complete and substantial justice" for which the court exists.*

(iii) It is the duty of the court to give "adequate treatment to the settlement between the parties" particularly in cases involving compoundable offences, the exercise of inherent power of the High Court under Section 482 Cr.P.C., however, not being inhibited in case of non-compoundable offences though, for the latter category, such power is to be "exercised sparingly and with caution".

(iv). If the criminal case has "overwhelmingly and predominantly civil character", particularly if it arises out of "commercial" (financial, mercantile, partnership or such other) transaction - and this would include the "cheque bouncing cases" under Section 138 N.I. Act - or "matrimonial dispute" or "family dispute", genuine resolution on equitable terms, in entirety, by the parties should result in criminal proceedings being quashed.

(v). Since the institution of marriage has an important role to play in the society, the court is to make every effort to encourage the parties to terminate such discord amicably and if it appears that elements of settlement exist, and the parties are willing, they are to be directed to the process of mediation to

explore the possibility of settlement, it being desirable to do so even at the "pre-litigation stage".

(vi) While examining the prayer for quashing of a non compoundable offence, on the basis of settlement of the dispute between the wrongful doer and the victim, the High Court is to bear in mind as to whether the possibility of conviction is "remote and oblique" and further, if the continuation of the criminal case would lead to "oppression and prejudice" or "extreme injustice" for the accused.

(vii). The considerations which would weigh with Court include the antecedents of the accused, possible lack of bona fides, his past conduct and that includes the question as to whether he had earlier absconded and as to how he had managed with the complainant to enter into a compromise.

(viii). But, the High Court, when called upon to exercise the power under Section 482 Cr. PC to bring the criminal case to an end on the basis of settlement, must steer clear of intervention in "heinous" or "serious" offences, including those involving "mental depravity", as indeed "economic offences" affecting "the financial and economic well

> *being of the State", such as murder, attempt to murder, extortion, forgery, rape, dacoity, financial or economic frauds, cases under Arms Act, etc., the reason being that such offences are "not private in nature" but have "a serious impact upon society", and continuation of trial thereof is essential due to "overriding element of public interest".*
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> *(ix). The court, however, is not to go by mere use of label of a serious offence (e.g. offence under Section 307 IPC), it being open to it to examine, by scrutiny of the evidence gathered, to find as to whether there are sufficient grounds to frame charge for such offence and, in this view, it being "not permissible" to intervene till the matter has been properly investigated."*

13. In the present case, it can be gathered from the settlement arrived between the parties that the applicant Akshay and the informant wanted to bury all their disputes relating to matrimonial issues. Therefore, in the situation wherein the matrimonial tie has been brought to an end by mutual consent and the parties are eager to move ahead in their respective life, and further if the prayer for quashing the criminal proceeding is not entertained, it would

tantamount to causing injustice to them. Therefore, in order to do complete justice, by taking recourse to the above cited judgments, the prayer for quashing the proceedings can be considered.

14. It is also not in dispute that in addition to mutual settlement arrived at between the parties, the informant wife has appeared before this Court and has filed an affidavit supporting the prayer of applicants regarding quashing of criminal proceedings and has specifically stated that she does not want to pursue the matrimonial proceeding, thus, gave consent for quashing the same. We are satisfied that the settlement is voluntary and genuine. Therefore, in our view instead of dragging the parties to the Court, and by protecting their right to live happily for the betterment of their future, in our opinion the said action should be encouraged by quashing the proceedings in the interest of justice.

15. Though Sections 498-A and 377 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act are non-compoundable, to secure ends of justice the Court should hold that

the provisions under Section 320 would not be a bar to exercise the power for quashing the first information report, charge sheet or subsequent criminal proceedings. It is not in dispute that the powers under Section 482 of the Code should be exercised sparingly and it should be used only if the Court is satisfied that the material placed on record is satisfactory, and allowing the proceeding to continue would be an abuse of the process of Court.

16. Needless to mention that considering the recent trend of filing first information reports against as many as persons from husband side, has become imperative to look the matters of matrimonial disputes from a different angle, and therefore, if the parties settle their disputes amicably in order to live peacefully, it is the duty of the Court to encourage such action by entertaining the prayer for quashing of the first information report, charge sheet or criminal proceedings.

17. Marital discord has now a days become menace in the society due to various factors. The parties who are fighting due to these marital discord are having several remedies in law. The small

issue between the two are spoiling the entire life and the marriages which are sacrosanct in Hindus are at stake. Marriages are not merely a social contract, but, a spiritual union that binds two souls together. However, now a days these scared marriages receive set back in the above circumstances. The distress, disharmony and lack of adjustment amongst the persons lead to conflict.

18. We are experiencing that, Legislation intended to improve marital relationships, such as the Domestic Violence Act, the Hindu Marriage Act and the Special Marriage Act etc., are frequently misused by parties, resulting in multiplicity of litigation, that not only burdens the Court, but, also cause mental as well as physical harassment, endless conflict, financial loss and irreversible harm to children and other family members. In such cases, the Court should support a respectful settlement to terminate all litigation between the parties while protecting their life and liberty, which is a fundamental right guaranteed by Article 21 of the Constitution of India.

As observed in the case of **State of Maharashtra .vrs. Chandrabhan (AIR 1983 SC 803)**, that right to life enshrined under

Article 21 of the Constitution means something more than survival or animal existence, and therefore, we are of the opinion that matrimonial disputes, if re-union is not possible, shall be put to an end as early as possible otherwise the life of persons will be ruined, if it is permitted to go on and would be violative of Article 21 of the Constitution of India. Therefore, the powers under Section 482 of the Code of Criminal Procedure can be exercised to do complete justice which would save the future life of husband and wife and they would be free to lead their respective life happily and with dignity, which is another facet of Article 21.

19. After going through the entire record, as well as the affidavit filed by the informant and the decree of divorce by mutual consent, we are of the opinion that this is a fit case to exercise powers under Section 482 of the Code of Criminal Procedure for quashing the first information report, charge sheet along with the criminal proceeding. Accordingly considering the above discussion, we deem it appropriate to allow these application by passing the following order.

ORDER

(1) Criminal Applications are allowed.

(2) The First Information Report No.737/2023 registered with Beltarodi Police Station, Nagpur dated 18.12.2023 for the offence punishable under Sections 498-A, 377 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, 1961 along with the Criminal Proceeding bearing R.C.C. No.2514/2024, pending on the file of the 11th Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur is hereby quashed and set aside.

(3) Rule is made absolute in aforesaid terms.

JUDGE JUDGE