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34 apl 674-2022

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

CRIMINAL APPLICATION (APL) NO.674 OF 2022

Ashutosh Pramod Pathak and others

Vs.

The State of Maharashtra through P.S.O., P.S. Girad, Tq. Samudrapur, Dist. Wardha
and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K.V. Kothale, Advocate for applicants
Shri N.B. Jawale, APP for non-applicant/State

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**
DATED : 24.11.2025

The present application is filed by the applicants for quashing of the First Information Report in connection with Crime No. 0077/2022, dated 05.04.2022, registered under Sections 498-A, 304-B, 406, 509, 323, 504 read with Section 34 of the Indian Penal Code, and charge sheet No. 43/2022, dated 20.07.2022, registered under Sections 498-A, 406, 509, 323, 504 read with Section 34 of the Indian Penal Code, as also, the consequent proceeding bearing Regular Criminal Case No. 106/2022, pending before the Judicial Magistrate First Class, Samudrapur, District Wardha.

2. During pendency of the application, both parties have arrived at a settlement. Being a matrimonial dispute

they have decided to dissolve the marriage and accordingly they have filed application for dissolution of marriage by mutual consent bearing No. 143/2025. It is still pending. In view of that, they requested to quash the First Information Report.

3. Applicant Nos.1 and 2 to 5 are present before the Court and non-applicant No.2, along with her father, are also present before the Court. They have agreed and accepted the terms and conditions of the settlement. The contents and the genuineness of the settlement is verified from the parties.

4. However, the entire police machinery as well as the time of this Court is also spent for dealing with the application and deciding the same. Therefore, the application deserves to be allowed, subject to the costs.

5. The Hon'ble Apex Court in the case of ***Gian Singh Vs. State of Punjab, (2012) 10 SCC 303***, has observed that "where the High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and the victim has been settled, although the 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."

6. In this regard a specific reference was made to the offences arising out of matrimony, particularly relating to dowry etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes with them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court made the framework of its inherent power to quash the criminal proceedings i.e. a criminal complaint or FIR, if it is satisfied that on the face of such settlement there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceeding justice shall be a casualty and ends of justice shall be defeated.

7. In the light of the above said principles, if the facts and circumstances of the present case are looked into, it reveals that it was a family dispute, rather it is a matrimonial dispute. Now the parties have already settled the dispute and come to the conclusion to dissolve the marriage and they have already filed an application before the appropriate forum for dissolving the marriage.

8. In view of that application deserves to be allowed, subject to the costs. Accordingly, we proceed to pass the following order :

ORDER

i) The application is allowed.

ii) The First Information Report in connection with Crime No. 0077/2022, dated 05.04.2022, registered under Sections 498-A, 304-B, 406, 509, 323, 504 read with Section 34 of the Indian Penal Code, and the charge sheet No. 43/2022, dated 20.07.2022, registered under Sections 498-A, 406, 509, 323, 504 read with Section 34 of the Indian Penal Code, as also, the consequent proceeding bearing Regular Criminal Case No. 106/2022, pending before the Judicial Magistrate First Class, Samudrapur, District Wardha, are hereby quashed and set aside, subject to the costs of Rs.20,000/- by the applicants and 20,000/- by the non-applicant No.2.

iii) Out of the costs amount Rs.20,000/- be to paid to the High Court Bar Association, Nagpur and Rs.20,000/- to the Government Pleaders Library.

iv) Compliance be reported to this Court,

v) The order will come into effect, after compliance, i.e. after depositing the amounts by applicants as well as by the non-applicant No.2.

9. The application is disposed of in the above terms.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)

Jayashree..