



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

CRIMINAL APPLICATION (APL) NO.765 OF 2021

Mayank s/o Satish Chandra Paliwal and others
Vs.

State of Maharashtra, through Police Station Officer, Police Station Warud,
District Amravati (Rural) and another

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

Court's or Judge's orders

Ms. Poonam Pisurde, Advocate h/f Mr. S. V. Sirpurkar, Advocate for
applicants.

Mr. M. J. Khan, APP for non-applicant No.1/State.

Mr. Tarunkumar Barapatre, Advocate for non-applicant No.2.

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

DATED : 18/12/2025

1. Present application is filed by the applicants, who is the husband and the relatives of the husband for quashing of the First Information Report (for short 'FIR') in connection with Crime No.311/2021 registered with Police Station Warud, District Amravati for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of a report lodged by the informant on an allegation that her marriage was performed with the applicant No.1 on 19.04.2019. After marriage, she resumed the cohabitation, but she was not treated well and she constrained to leave the matrimonial house. During the pendency of this application, both parties arrived at a settlement and as per the settlement terms, they

both have decided to obtain the decree of dissolution of marriage. Accordingly, they have already preferred the application under Section 13(B) of the Hindu Marriage Act for dissolution of marriage by mutual consent. The settlement pursis is also filed on record which shows that they have amicably settled the dispute. The contents of the settlement are verified from the applicants as well as from the non-applicant No.2. They have agreed the same.

3. Considering the nature of the dispute which is matrimonial in nature and in view of the observation of the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab, MANU/SC/0781/2012** wherein the Hon'ble Apex Court observed that where High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim have 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. In this regard a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim but the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of

offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

4. However, considering the valuable time of the investigating agency as well as the Court is spent, therefore, the application deserves to be allowed subject to the costs Rs.20,000/- by the applicant No.1 and Rs.10,000/- by the non-applicant No.2. Accordingly, we proceed to pass following order:

ORDER

(i) The application is **allowed**.

(ii) The First Information Report in connection with Crime No.311/2021 registered with Police Station Warud, District Amravati for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing Regular Criminal Case No.143/2024 pending before the learned Judicial Magistrate First Class, Warud (1), Amravati, is hereby quashed and set aside, to the extent of the present applicants, subject to the costs of Rs.20,000/- [Rs. Twenty Thousand] by the applicant No.1 and Rs.10,000/- [Rs. Ten Thousand] by the non-applicant No.2.

(iii) The cost of Rs.20,000/- [Rs. Twenty Thousand] be paid to the Vidharbha Lady Lawyers Association, Nagpur and the cost of Rs.10,000/- [Rs. Ten Thousand] be paid to the Government Pleader's Library, Nagpur.

(iv) The order will come into effect after payment of costs and the compliance report be submitted to this Court.

(4)

2.Cir.apl.765.2021

The application is disposed of in the above said terms.

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

Sarkate