



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

CRIMINAL APPLICATION (APL) NO.813 OF 2023

[Upendra Krushnakumar Tripathi and Others ..Vs.. State of Maharashtra and Others]

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

Court's or Judge's order

Mr S. B. Gandhe, Advocate for Applicants.
Mr. M. J. Khan, Addl. P. P. for Non-Applicant/State.

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

DATE : **7th NOVEMBER, 2025.**

. Heard.

2. The present application is filed by the applicants for quashing of the First Information Report in connection with Crime No.310 of 2022 registered under Sections 294, 323 and 506 read with Section 34 of the Indian Penal Code, 1860, and the consequent proceedings arising out of the same bearing Regular Criminal Case No.564 of 2022.

3. The applicants are arraigned as an accused on the basis of a report lodged by non-applicant No.2 – Brajesh Kashiprasad Tripathi on an allegation that on 15.05.2022, accused Prashant who was taking milk of a cow on the way, there was hot exchange of words between the complainant and accused Prashant and they have exchanged the abuses to each other. It is alleged that accused Upendra and Kiran called to accused Prashant and therefore, accused Prashant and accused Upendra have beaten the complainant

as well as beaten his wife and also used filthy language. On the basis of the said report, the police have registered the crime.

4. During pendency of the application, both the parties requested to refer the matter for mediation. Therefore, the matter was referred for mediation. During mediation process, the matter was settled and they arrived at the settlement. The settlement terms are on record. The parties were referred to the Registrar (Judicial) for verifying the genuineness of the settlement terms as well as their identification. The report of the Registrar (Judicial) is before the Court. He has verified the contents of the settlement terms as well as the identification of the applicants and non-applicant No.2.

5. In view of the settlement terms, the application deserves to be allowed as the observation of the Hon'ble Apex Court is relevant in the case of *Gian Singh vs State of Punjab and Another, Manu/SC/0781 of 2012* wherein, the Hon'ble Apex Court observed that where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and 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 the family dispute, where the wrong is basically to victim and 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.

7. In view of the above said observation, the application deserves to be allowed. At the same time, considering the entire police machinery was used as the wheels of the investigation started rotating on the basis of the complaint and the Courts have also and the entire judicial working hours are also spent to entertain the application, therefore, the application deserves to be allowed subject costs. Hence, we proceed to pass the following order :

ORDER

- i) Criminal application is **allowed**.
- ii) First Information Report in connection with Crime No.310 of 2022 registered under Sections 294, 323 and 506 read with Section 34 of the Indian Penal Code, 1860, and the consequent proceedings arising out of the same bearing Regular Criminal Case No.564 of 2022 are hereby quashed and set aside subject to costs of Rs.20,000/- by the applicants and Rs.20,000/- by the non-applicant No.2.

iii) The said amount to be paid to the Chief Minister Relief Fund directly and compliance to be reported to this Court.

8. The criminal application stands disposed of accordingly.

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