



Judgment

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

CRIMINAL APPLICATION (APL) NO.863/2025

1. Ajinkya s/o Ramesh Sapte, aged about 33 years, occupation: part time job, r/o at present flat No.1201, Tanish O-2, Society, Charoli, Pune. (Husband of NA No.2).

2. Ramesh s/o Laxmanrao Sapte, aged about 65 years, occupation: retired, (Father-in-law of NA No.2).

3. Mangla w/o Ramesh Sapte, aged about 59 years, occupation: housewife, (Mother-in-law of NA No.2).

Applicants No.2 and 3 are r/o at present Shivchatrapati Nagar, Chikhali Road, Sunderkhed, tahsil and district Buldhana.

4. Dipak s/o Ramesh Sapte, aged about 39 years, occupation: service, (Brother-in-law of NA No.2).

5. Manali w/o Dipak Sapte, aged about 31 years, occupation: service, (Sister-in-law of NA No.2).

Applicants No.4 and 5 are r/o at present Sukwani Complex, Wallabha Nagar, Pune.

6. Preeti w/o Sumit Telarkar, aged about 36 years, occupation: housewife, r/o at present Ektangar, Buldhana, tahsil and district Buldhana. (Sister-in-law of NA No.2). **Applicants.**

:: VERSUS ::

1. The State of Maharashtra, through the Police Station Officer, Police Station Lohara, tahsil and district Yavatmal.

2. Jayshree w/o Ajinkya Sapte, aged about 32 years, occupation: housewife, r/o c/o Bhaskar Devraoji Munde, Suryodaynagar, Jeerapure Layout, Waghapur, Yavatmal, tahsil and district Yavatmal. **Non-applicants.**

Shri N.R.Raut, Counsel for Applicants.
Mrs.S.S.Dhote, Addl.PP for NA No.1/State.
Shri Vivek Awchat, Counsel for NA No.2.

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

DATE : 23/12/2025

JUDGMENT (Per : Urmila Joshi-Phalke)

1. By this application under Section 528 of the BNSS, applicants are seeking quashing of FIR in connection with Crime No.0318/2022 registered under Section 498-A read with 34 of the IPC and consequent

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proceeding arising out of the same bearing RCC No.235/2025 pending before learned JMFC at Yavatmal.

2. The applicant No.1 is husband of non-applicant No.2 (the informant) and other applicants are the nearest relatives of the husband of the informant. The crime is registered on the basis of a report lodged by the informant on allegations that her marriage with applicant No.1 was performed on 12.11.2021. After the marriage, she resumed cohabitation at the house of applicants. However, she was not treated well and subjected for continuous harassment and, therefore, she was constrained to leave the matrimonial house and she lodged the report against applicants.

3. During the pendency of this application, both parties arrived at a settlement and it was resolved that applicant No.1 and the informant would file an application for dissolution of marriage by mutual consent. The

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informant accepted the terms and conditions that she would accept Rs.10,60,000/- towards full and final settlement and gold ornaments, which are given by parents of the informant, would remain along with her. Whereas, gold ornaments, given by applicants, would remain along with them. The settlement terms filed before the Family court are also part and parcel of the application.

4. The applicant Nos.1, 2, and 4 are present before this court. The informant is also present before the court. The terms and conditions of the settlement are verified from them. They have accepted the terms and conditions of the settlement.

5. The nature of dispute is matrimonial in nature.

6. The Hon'ble Apex Court in the case of **Gian Singh vs. State of Punjab and anr**, reported in

MANU/SC/0781/2012, 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 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 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.

7. In view of the observations above, in the present case also, differences between applicant No.1 and

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the informant is of matrimonial in nature. They have decided to settle the dispute and lead their lives as per their own way and, therefore, the application deserves to be allowed. However, at the same time, considering, that the police machinery have spared their time for their investigation as well as during adjudication, the courts have also spared its time and, therefore, the application deserves to be allowed subject to costs. Accordingly, we proceed to pass following order:

ORDER

(1) The Criminal Application is **allowed**.

(2) FIR in connection with Crime No.0318/2022 registered under Section 498-A read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.235/2025 pending before learned JMFC

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at Yavatmal are hereby quashed and set aside to the extent of applicants.

(3) Applicants shall deposit costs Rs.20,000/- and Rs.10,000/- by non-applicant No.2 within a period of one week from today.

(4) Costs Rs.20,000/- shall be deposited with the HCBA at Nagpur and Rs.10,000/- shall be deposited with the Government Pleader's Library at Nagpur.

(5) This order will come into effect after compliance of the payment of the costs. The compliance be reported this court.

Application stands **disposed of**.

(NANDESH S.DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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