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

CRIMINAL APPLICATION (APL) NO.890 OF 2023

1. Prajal s/o Prakash Tikar,
Age 30 Years, Occupation : Service,
2. Shweta w/o Prakash Tikar,
Age 55 years,
Occupation : Homemaker,
3. Priya D/o Prakash Tikar,
Age 26 Years, Occupation : Service,
4. Prakash s/o Nanaji Tikar,
Age 60 Years,
Occupation : Business,
All R/o. S/N 23/1,
Anand Vihar Society,
Behind Hindustan Bakery,
Sinhagad Road,
Pune 411051.

.... APPLICANTS

// VERSUS //

1. The State of Maharashtra,
through Police Station Officer,
Police Station Digras,
Yavatmal.
2. Shweta w/o Prajal Tikar,
Age 27 Years,
Occupation : Service,
R/o. C/o. Avinash s/o Devidaspant
Lakhpatri, Near telephone office,
Bajirao Nagara, Digras,
Taluka Digras,
District Yavatmal – 445203.

.... NON-APPLICANTS.

Mr. H. S. Chitaley, Counsel for the applicant through video
conferencing.
Ms. Shamshi Haider, APP for non-applicant No.1/State.
Mr. A. A. Zade, Counsel along with Mr. N. R. Raut, Counsel for
non-applicant No.2.

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**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 15/09/2025**

ORAL JUDGMENT : (PER : URMILA JOSHI-PHALKE, J.)

1. Heard.

2. **Admit.**

3. Present application is preferred by the applicants for quashing of the First Information Report (for short 'FIR') in connection with Crime No.132/2023 registered under Sections 498A and 506 read with 34 of the Indian Penal Code and charge sheet arising out of the same bearing No.90/2023.

4. Brief facts which are required for the disposal of the application are as under:

The applicant No.1 is the husband of the informant Shubhra @ Shweta, whereas the applicant Nos.2 and 4 are the in-laws and the applicant No.3 is the sister-in-law. The FIR is lodged by her, on an allegation that after marriage, she was treated well for some days and thereafter, she was subjected for the ill-treatment by the present applicants for various domestic reasons as well as by demanding the amount, and as the demands were not fulfilled, she was ill-treated physically as well as mentally and therefore, she constrained to leave the matrimonial house. On the basis of the said report, police have registered the crime against the present applicants. During

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investigation, various statements were recorded and after completion of the investigation, the charge sheet was filed. During pendency of the application, the applicants and the informant arrived at a settlement and they decided to dissolve the marriage, accordingly the settlement terms were fixed and therefore, the applicants approached this Court for quashing of the FIR as well as the charge sheet.

5. Heard learned Counsel for the applicants, learned APP as well as learned Counsel for the non-applicant No.2/informant. Both applicants and the informant accepted the terms and conditions of the consent terms. In view of the consent terms, the marriage is already dissolved and the learned Civil Judge Senior Division, Yavatmal has already passed a dissolution of marriage decree i.e. divorce decree. The informant appeared through video conferencing, she accepted the terms and conditions of the consent terms and submitted that now she does not want to extend the proceeding and submitted that the proceeding be disposed of.

6. On perusal of the consent terms and the decree of dissolution of marriage it reveals that on the basis of the settlement that decree is passed. In view of the observation of the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab and another** reported in **MANU/SC/0781/2012**

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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."

7. In **Naushey Ali Vs. State of U.P.**, reported in **(2025) 4 SCC 78**, wherein also it is observed that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the

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settlement be given effect to by quashing the proceedings would be a grave abuse of process particularly when the dispute is settled and resolved.

8. In view of the above said well settled law by the judgment of the Hon'ble Apex Court, the application deserves to be allowed subject to the costs of Rs.20,000/- by the applicants and Rs.10,000/- by the non-applicant No.2 as the entire police machinery was set in motion and has to spare the time for the investigation of the said crime. In view of that, we proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The First Information Report in connection with Crime No.132/2023 dated 27.02.2023 registered under Sections 498A, 506 read with Section 34 of the Indian Penal Code and the charge sheet bearing No.90/2023 dated 18.05.2023 be quashed, subject to the costs of Rs.20,000/- [Rs. Twenty Thousand] by the applicants and Rs.10,000/- [Rs. Ten Thousand] by the non-applicant No.2.

(iii) The said costs be paid to the Government Pleader's Library, Nagpur.

The application is disposed of.

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