



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

CRIMINAL APPLICATION [APL] NO.887 OF 2025

- Applicants** : 1. Mr. Mayur s/o Prabhakar Yewle,
(Husband) Age – 32 Years, Occupation : Private.
- (Brother-in-law) 2. Shreyash s/o Sanjay Maske,
Age – 24 Years, Occupation : Private
Both R/o C/o Prabhakarrao Karande,
Shitala Mata Mandir, Prem Nagar, Zenda Chowk,
Nagpur.
- (Maternal Uncle of Husband) 3. Umesh s/o Prabhakar Karande,
Age – 46 Years, Occupation :
- (Wife of Applicant No.3) 4. Sheetal Umeshrao Karande,
Age – 39 Years, Occupation :
Both R/o Shitala Mata Mandir, Prem Nagar,
Zenda Chowk, Nagpur.
- Versus –
- Non-Applicants** : 1. State of Maharashtra,
Through Police Station Officer,
Police Station Shantinagar, Nagpur, District Nagpur.
2. Kunika Mayur Yewle,
Age – 25 Years, Occupation : Student,
R/o Vitthal Nagar, Near Janki School, Nagpur.

Mr. R.P. Durg, Advocate for the Applicants.
Mr. U.R. Phasate, A.P.P. for Non-Applicant No.1/State.
Mr. L.B. Khergade, Advocate for Non-Applicant No.2.

CORAM : **ANIL S. KILOR & M.M. NERLIKAR, JJ.**
DATE : **15th JULY, 2025.**

ORAL JUDGMENT : *(Per M.M. Nerlikar, J.)*

01. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

02. By way of the present application, the applicants approached this Hon'ble Court for exercising its extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (*Cr.PC. for short*) or under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing and setting aside the charge-sheet No.45/2023, dated 19/08/2023, which culminated into Regular Criminal Case No.3303/2023, for the offence punishable under Sections 498-A, 323, 506 read with Section 34 of the Indian Penal Code pending before the Judicial Magistrate First Class, Nagpur.

03. Applicant No.1 is the husband and applicant No.2 is the brother-in-law of non-applicant No.2 (*hereinafter referred to as 'informant'*), applicant No.3 is the maternal uncle of applicant No.1 and applicant No.4 is the wife of applicant No.3.

04. The marriage between applicant No.1 and the informant was solemnized on 13/12/2021. For about three months, there was good relations between informant and other family members of applicant No.1. However, thereafter applicant No.2 demanded of Rs.12.00 lakhs from the father of the informant to open an automobile shop. Since the demand was not fulfilled, the applicants started harassing the informant. Due to which, the informant suffered mental as well as physical trauma. Applicant No.1 also

demanded money from the father of the informant and on failure, applicant No.1 said that the informant shall leave the house. It is alleged that applicant No.4 used to taunt the informant on her body image. It is further alleged that applicant No.1 used to consume alcohol and in habit of coming home at late hours and thereafter used to assault the informant, which has resulted into mental as well as physical torture by the applicants. A specific allegation was made that on 04/12/2022 at about 08:00 p.m., when the informant returned to the matrimonial house, at that time, applicant No.1 has assaulted her and withheld some articles. Based on these allegations, F.I.R. bearing No.346/2022 came to be registered for the offence punishable under Sections 498-A, 323, 506 read with Section 34 of the Indian Penal Code. The investigation was conducted and, accordingly, the charge-sheet/final report came to be filed under Section 173 of Cr.P.C., which has culminated into the Regular Criminal Case No.3303/2023, pending with the Judicial Magistrate First Class, Nagpur.

05. We have heard the learned Counsel for both the applicants as well as the non-applicants. The informant, who is present in the Court, has submitted her affidavit-in-reply and submits that parties have settled their dispute.

06. The learned Counsel for the applicants submitted that the parties have arrived at a compromise and on the basis of the said compromise,

criminal proceedings pending before the learned Magistrate be quashed. The learned Counsel for the informant admits that the settlement had arrived at between the parties and the informant is not intending to proceed further with the criminal proceedings and she has 'no objection' to quash the same in respect of the applicants.

07. The law is now well settled so far as the matrimonial disputes are concerned that if the parties arrived at or settled the disputes, the High Court under Article 226 of the Constitution of India or under Section 482 of the Cr.P.C. or under Section 528 of the BNSS can quash the criminal proceedings. The learned Counsel for the applicants in support of his contention has placed reliance on the landmark judgment of the Hon'ble Supreme Court in Gian Singh vs. State of Punjab and another, reported in 2012 Cr.L.J. 4934, wherein it has been held that, the High Court has inherent power to quash the criminal proceedings, but certain exceptions are carved out in paragraph 61, which reads thus :

"61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R. may be exercised where the offender and victim

have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominately civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

08. Although Section 498-A of the Indian Penal Code is not directly compoundable under Section 320 of the Cr.P.C., it is no longer debatable that a prayer to quash criminal proceedings can still be entertained under Article 226 of the Constitution or Section 482 of the Cr.P.C. The applicants' Counsel also referred to recent judgment by this Hon'ble Court in identical matter.

09. The learned Counsel for the informant by filing affidavit-in-reply of the informant contends that the parties have arrived at a compromise and they want to bury all the matrimonial disputes. The decree of divorce was also obtained under Section 13-B of the Hindu Marriage Act, 1955. The said divorce decree was passed on the basis of the compromise (Exh.23), which was placed before the Family Court No.3 at Nagpur. The learned Counsel further contends that the informant has absolutely no objection if the F.I.R. No.346/2022, dated 24/12/2022 registered with non-applicant No.1-Police Station so also Regular Criminal Case No.3303/2023 is quashed against all the accused persons. At the cost of repetition, it is submitted that the dispute between the parties is of private nature and quashing of F.I.R. would give an opportunity to the parties to live their life happily. The Family Court has also passed decree of divorce. In the aforesaid background, a request is made to this Hon'ble Court to quash the F.I.R. and Regular Criminal Case No.3303/2023.

10. We have considered the submissions made by the applicants as well as the non-applicants. We have also gone through the law laid down by the Hon'ble Supreme Court as well as the recent judgment of this Hon'ble High Court in Criminal Application No.900/2025 (*Akshay s/o Rammilan Pal vs. State of Maharashtra and another*) and other connected applications. This Court in *Akshay's* case (*supra*) in paragraphs 16, 17 and 18 has held as under:

"16. Needless to mention that considering the recent trend of filing first information reports against as many as persons from husband side, has become imperative to look the matters of matrimonial disputes from a different angle, and therefore, if the parties settle their disputes amicably in order to live peacefully, it is the duty of the Court to encourage such action by entertaining the prayer for quashing of the first information report, charge sheet or criminal proceedings.

17. Marital discord has now a days become menace in the society due to various factors. The parties who are fighting due to these marital discord are having several remedies in law. The small issue between the two are spoiling the entire life and the marriages which are sacrosanct in Hindus are at stake. Marriages are not merely a social contract, but, a spiritual union that binds two souls together. However, now a days these scared marriages receive set back in the above circumstances. The distress, disharmony and lack of adjustment amongst the persons lead to conflict.

18. We are experiencing that, Legislation intended to improve marital relationships, such as the Domestic Violence Act, the Hindu Marriage Act and the Special Marriage Act etc., are frequently misused by parties, resulting in multiplicity of litigation, that not only burdens the Court, but, also cause mental as well as physical harassment, endless conflict, financial loss and irreversible harm to

children and other family members. In such cases, the Court should support a respectful settlement to terminate all litigation between the parties while protecting their life and liberty, which is a fundamental right guaranteed by Article 21 of the Constitution of India. As observed in the case of State of Maharashtra vs. Chandrabhan (AIR 1983 SC 803), that right to life enshrined under Article 21 of the Constitution means something more than survival or animal existence and, therefore, we are of the opinion that matrimonial disputes, if re-union is not possible, shall be put to an end as early as possible otherwise the life of persons will be ruined, if it is permitted to go on and would be violative of Article 21 of the Constitution of India. Therefore, the powers under Section 482 of the Code of Criminal Procedure can be exercised to do complete justice which would save the future life of husband and wife and they would be free to lead their respective life happily and with dignity, which is another facet of Article 21.”

11. Having considered the nature of accusation, the affidavit of the informant thereby giving no objection to allow the application, the interaction with the informant wherein she has given no objection for quashing the FI.R. and charge-sheet and further the fact that the parties have now decided to put to an end the matrimonial dispute and to live their lives happily in future, we are of the opinion that this is a fit case to exercise the extraordinary powers conferred under Section 482 of the Cr.P.C. in the interest of justice and in order to prevent the abuse of process of law. Accordingly, the application deserves to be allowed. Hence, the following order is passed :

ORDER

- i. The criminal application is allowed.

- ii. First Information Report No.346/2022, dated 24/12/2022 registered with Shantinagar Police Station, Nagpur for the offence punishable under Sections 498-A, 323, 506 read with Section 34 of the Indian Penal Code along with the Criminal Proceeding bearing R.C.C. No.3303/2023 pending on the file of the Judicial Magistrate First Class, Nagpur is hereby quashed and set aside.
- iii. There shall be no order as to costs.
- iv. Rule is made absolute in aforesaid terms.

(M.M. Nerlikar, J.)

(Anil S. Kilor, J.)

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