



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

CRIMINAL APPLICATION (APL) NO. 982/2025

1. Shubham s/o Murarilal Sharma,
Age about 34 yrs., Occ. Private,
2. Murarilal S/o. Mulchand Sharma,
age about 64 yrs., Occ. Private

Both R/o. A-21, Hans Apartment,
East Arjun Nagar, Shahdara,
Delhi-110032.

...APPLICANTS

VERSUS

1. State of Maharashtra,
through P.S.O. Bajajnagar,
Nagpur.
2. Aakanksha w/o. Shubham Sharma,
age about 32 yrs., Occ. Private,
R/o. Flat No. 201, Rachana Sahil
Apartment Subhash Nagar T-point,
Nagpur.

NON-APPLICANTS

Mr. R.A. Biranware, Advocate for applicants.
Mr. M. K. Pathan, Addl. Government Pleader for non-applicant No.1.

CORAM : ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.

DATE : 28.07.2025

ORAL JUDGMENT : (PER: M. M. NERLIKAR, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. By consent of parties, heard finally.

3. By this present application, the applicants are seeking quashment of Regular Criminal Case No. 1019/2022 pending before the learned Judicial Magistrate First Class, Court No.5, Nagpur arising out of First Information Report ("FIR") bearing Crime No.123/2021, dated 05.07.2021 registered with Police Station Bajajnagar, Nagpur for the offence punishable under Sections 498-A, read with Section 34 of the Indian Penal Code.

4. The matter as has been alleged in the FIR is that the marriage of applicant No.1 was solemnized on 20.09.2018 with non-applicant No.2. The applicant No.1-husband used to harass non-applicant No.2-wife on petty issues, and also on account of receiving less dowry so also non-fulfilment of demands made by the applicant No.1 and his relatives at the time of marriage. The applicants were

having a grievance regarding the father of non-applicant No.2 who did not give expensive articles at the time of their marriage.

5. It is further claimed in the FIR that the mother of non-applicant No.2 has handed over three cheques of Rs.8,00,000/- to the applicant No.1 and the articles received in the marriage are kept by the mother-in-law of non-applicant No.2. The applicant No.2, father-in-law used to demand certain amounts from the mother of non-applicant No.2 and after marriage when non-applicant No.2 went to her maternal house and returned back after some days to her matrimonial home, at that time, she was not permitted to enter into house for three hours. Further, on 25.12.2019, when some of the relatives took non-applicant No.2 to her matrimonial home, at that time, there was no one at the matrimonial home. However, when they called on mobile phone, it was informed to them that they went to Rajasthan. However, when the non-applicant No.2 and her relatives informed that that they are going to lodge a report with the Police Station, they came back within four hours. At that time, applicant No.2 threatened non-applicant No.2 that he will throttle the neck of non-applicant No.2. It is also stated that the applicant No.1-husband

has also assaulted non-applicant No.2 wife after consuming liquor and therefore, she went to the house of maternal uncle. When the maternal uncle and aunt took non-applicant No.2 to the matrimonial house, she was not allowed to enter into the house, and therefore, she went to her maternal house. Based on these allegations, non-applicant No.2 lodged a report on 05.07.2021 bearing Crime No. 123/2021.

6. After investigation, charge-sheet was filed against accused/applicants. The mother of applicant No.1 i.e. mother-in-law passed away due to old age and therefore, the present application is filed by applicant No.1 husband and applicant No.2- father-in-law.

7. Learned counsel appearing for applicants submits that the matter has been amicably settled between the parties. The consent terms was also filed in the Family Court, Nagpur in Hindu Marriage Petition No. A-817/2021, wherein it is stated that the applicant No.1 will pay Rs. 25,00,000/- as one time permanent alimony towards full and final settlement and the said amount will be paid in two instalments.

Non-applicant No.2 as well as applicant No.1 are present in the Court today. They have been identified by their respective counsel appearing on their behalf. When this Court interacted with non-applicant No.2 i.e. wife, she has given consent for quashing the RCC No.1019/2022 arising out of FIR No.123/2021. It is also intimated by the non-applicant No.2 that she has already received Rs. 12,50,000/- by demand draft No.002663 dated 24.07.2025 and the balance amount of Rs. 12,50,000/- is handed over to non-applicant No.2-wife before this Court.

8. We have gone through the FIR, charge-sheet and respective submissions of the parties. As the offence is registered under Section 498-A of the Indian Penal Code which is arising out of matrimonial dispute, in order to do complete justice, we deem it appropriate to quash the criminal proceedings.

9. The law is now well settled so far as the matrimonial disputes are concerned that if the parties arrived at or settle the dispute, 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 their 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, however 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 predominatingly 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.”

10. In view of above facts and circumstances and after interaction with the parties, as the present matter comes within the exceptions as carved out in the aforesaid authoritative pronouncement, we have no hesitation in observing that the settlement is genuine, therefore we deem it appropriate to quash the criminal proceeding in the interest of justice. Hence, we pass the following order:-

I. Application stands allowed.

II. We hereby quash and set aside Regular Criminal Case No. 1019/2022 pending before learned Judicial Magistrate First Class, Court No.5, Nagpur arising out of First Information Report (“FIR”) bearing Crime No. 123/2021 dated 05.07.2021 registered with Police Station Bajajnagar, Nagpur for the offence punishable under Sections 498-A, read with Section 34 of the

Indian Penal Code.

11. Application stands disposed of in above terms.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

Gohane