



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

CRIMINAL APPLICATION (APL) NO. 1023/2025

1. Prasad Suryakant Saitwal,
Aged 31 yrs., Occ. Service,
2. Sangita Suryakant Saitwal,
aged 56 yrs., Occ. Housewife,
3. Suryakant Murlidhar Saitwal,
Aged 61 yrs., Occ. Retired,

All R/o. B/301, Shrimant Apartment,
near Nadbrambha Apartment, Bhaskar aali,
Vasai West, Vasai, Bassein Vasai Palghar.

...APPLICANTS

VERSUS

1. State of Maharashtra,
through P.S.O. Dabki Road,
Akola,
2. Rutuja Prasad Saitwal @
Rutuja Parabhau Mahurkar,
aged about 28 yrs., Occ. Service,
R/o. Shri Ram Chowk, Renuka Nagar,
Dabki Road, Akola.

NON-APPLICANTS

Mr. Zeeshan Z. Haq, Advocate for applicants
Mr. Amit Chutk, Additional Public Prosecutor for non-applicant No.1.
Mr. Sayed Salman Ali, Advocate for non-applicant No.2.

CORAM : ANIL S. KILOR AND
M. M. NERLIKAR, JJ.

DATE : 18.07.2025

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 to quash charge-sheet No.47/2025 vide Regular Criminal Case No. 828/2025 arising out of First Information Report ("FIR") bearing Crime No. 86/2025 dated 14.02.2025 registered with Dabki Road Police Station, Akola for the offence punishable under Sections 85, 115, 352 and 3(5) of Bharatiya Nagarik Sanhita, 2023.

4. The brief facts are as under:-

5. The marriage of non-applicant No.2-informant/wife was solemnized with applicant No.1-husband at the Heritage Akola on 26.03.2024. Applicant Nos. 2 and 3 are the mother and father of applicant No.1 respectively. The informant i.e. non-applicant No.2 alleges that after marriage, the couple went to Singapur and after returning from Singapur, applicant No.1 started ill-treating the

informant. Applicant No.1 and the informant while residing at Pune, applicant Nos. 2 and 3 came to reside at Pune and they have also started ill-treating the informant. Applicant No.1 used to suspect on the character of the informant and also used to harass her mentally and physically. Applicant Nos. 2 and 3 used to instigate applicant No.1. It is further alleged that when the informant has asked for gold ornaments ("Stri Dhan"), at that time, all the applicants assaulted the informant. It is further alleged that on 19.09.2024, applicant No.1 has called father of the informant at Pune. Accordingly, father came at Pune on 20.09.2024 and on that day, there was quarrel between the applicants and father of the informant. However, informant's father has requested to cohabit with informant, but the applicants declined to keep informant at the matrimonial house and accordingly, on 20.09.2024, informant came along with his father at Akola. Based on these allegations, the informant lodged complaint at Dabki Road Police Station, Akola.

After registration of FIR, investigation was conducted and the charge-sheet came to be filed by the Police Authorities bearing charge-sheet No.47/2025 which has culminated into Regular

Criminal Case No. 828/2025 pending before learned Judicial Magistrate First Class, Akola.

6. The present application is filed for quashing of the criminal proceedings on the basis of settlement arrived between the parties. It is submitted that with the intervention of the family members of the applicants and non-applicant No.2, the dispute which arose due to misunderstanding, has been amicably settled between the parties. It is further stated in the application that so far as the domestic violence proceedings are concerned, the parties will file settlement terms in those proceedings and get it disposed of in the said terms.

7. Non-applicant No.2, today i.e. 18.07.2025 filed the affidavit-in-reply and it is stated that matrimonial dispute between the parties have been amicably settled and they have decided to stay together again and therefore, non-applicant No.2 has no objection to quash the criminal proceedings.

8. We have heard both the parties. Husband and the informant both are present in the Court. We have interacted with them. It is stated by husband and the informant that they have settled the dispute

and living together happily. The informant has also given consent 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 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 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. We have gone through the FIR and the affidavit-in-reply. We have also interacted with the parties. We find that the settlement is genuine. Moreover, it is appreciated that the parties have taken their own decision of reunion and therefore, we find that this is a fit case to quash the criminal proceedings, in the interest of justice and to prevent the abuse of the process of law. Hence, following order:-

I. Application stands allowed.

II. We hereby quash and set aside charge-sheet

No.47/2025 vide Regular Criminal Case No. 828/2025 arising out of First Information Report (“FIR”) bearing Crime No. 86/2025 dated 14.02.2025 registered with Dabki Road Police Station, Akola for the offence punishable under Sections 85, 115, 352 and 3(5) of Bharatiya Nagarik Sanhita, 2023.

11. Application stands disposed of in above terms.

(M. M. NERLIKAR, J.)

(ANIL S. KILOR, J.)

Gohane