



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

CRIMINAL APPLICATION (APL) NO. 815 OF 2019

(Mohammad Izharuddin Kazi S/o Hafizuddin Kazi

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station
Yavatmal City, District-Yavatmal & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Kabir Jhamb, Adv. h/f Mr. V.S. Mishra, Advocate for the Applicant.

Ms. Swati V. Kolhe, APP for the Non-applicant No.1/State.

Mr. S. Zia Qazi, Advocate for the Non-applicant No.2.

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

DATED : 24th NOVEMBER, 2025

1. The present Application is preferred by the Applicant for quashing of the FIR in connection with Crime No.3196/2014 registered with Police Station, Yavatmal City, District Yavatmal for the offence punishable under Sections 294, 506 of the Indian Penal Code and the consequent proceeding arising out of the same bearing Criminal Case No.727/2015.

2. During the pendency of this Application, both parties have settled the dispute and settlement is filed on record. By order dated 06.11.2025, we have directed the Applicant and Non-applicant No.2 to file the joint affidavit and appear before the Registrar (Judicial) to verify the contents of the affidavit and their identities. The report of the Registrar (Judicial) shows that, neither they have filed the

joint affidavit nor they appear before him through Video Conferencing.

3. It is submitted by the learned Counsel for the Applicant, that due to the ill-health of the Applicant who is at his advance age could not appear through Video Conferencing, before the Registrar (Judicial). Today, he is present through Video Conferencing. The Non-applicant No.2 is also appeared before this Court through Video Conferencing. The contents of the settlement are verified from them. They have agreed and accepted the contents. The Applicant and Non-applicant No.2 are the brothers and out of family dispute, the alleged FIR came to be lodged. Now, they have decided to settle the matter amicably.

4. In view of the observations of the Hon'ble Apex Court in the case of *Gian Singh Vs. State of Punjab, reported in (2012) 10 SCC 303*, wherein the Court observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has 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 a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between

them amicably, irrespective of the fact that such offences have not been made compoundable.

5. In the light of the above observation of the Hon'ble Apex Court if the facts of the present case are taken into consideration, admittedly it is a family dispute between two brothers and out of that the alleged FIR is lodged. Now, they have amicably settled the dispute, and therefore, forcing the Applicant to face the trial would be an abuse of process of law. In view of that, the Application deserves to be allowed. Accordingly, we proceed to pass the following order.

ORDER

i. The Application is **allowed**.

ii. The First Information Report bearing Crime No. 3196/2014 registered with Police Station, Yavatmal City, District Yavatmal for the offence punishable under Sections 294, 506 of the Indian Penal Code and the consequent proceeding arising out of the same bearing Criminal Case No.727/2015 pending before the 8th Jt. Judicial Magistrate First Class, Yavatmal are hereby quashed and set aside to the extent of present Applicant.

6. Pending application/s, if any, shall stand disposed of accordingly.

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