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

CRIMINAL APPLICATION (APL) NO.1279 OF 2023

1. Ravikiran s/o Gulabrao Ghode,
Age about 42 Years,
Occupation : Advocate, [Brother-in-law of N.A. No.2]
R/o House No.5-2-51,
Police Headquarter Road,
Kotwalpura,
Aurangabad, District Aurangabad.
 2. Bharti w/o. Ravikiran Ghode,
Age about 38 Years,
Occupation : Housewife, [Sister-in-law of N.A. No.2]
R/o. House No.5-2-51,
Police Headquarter Road,
Kotwalpura, Aurangabad,
District Aurangabad.
- APPLICANTS**

// VERSUS //

1. State of Maharashtra,
through Police Station Officer,
Khadan,
Taluka and District Akola.
 2. Dhanshree w/o Naveen Dabhade,
Age about 26 Years,
Occupation : Household, [Sister-in-law of Applicants]
R/o. Anandnagar, Kaulkhed road,
Hingna Fata, Akola,
District Akola.
- NON-APPLICANTS**

Mr. M. L. Vairagade, Advocate for the applicants.
Mr. Nikhil Joshi, APP for non-applicant No.1/State.
Mr. B. N. Jaipurkar, Advocate for the non-applicant No.2
through video conferencing.

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

DATED : 03/11/2025

ORAL JUDGMENT : [Per : URMILA JOSHI-PHALKE, J.]

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1. **Admit.**

2. Heard finally with the consent of the learned Counsel for the parties.

3. Present application is preferred by the applicants, who are the brother-in-law and sister-in-law for quashing and setting aside the First Information Report (for short 'FIR') vide Crime No.0840/2022 dated 02.12.2022 registered with Police Station Khadan, District Akola for the offence punishable under Sections 323, 498-A, 504 and 506 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.314/2023.

4. The crime is registered on the basis of a report lodged by Dhanshree w/o Naveen Dabhade on an allegation that her marriage was performed with Naveen Dabhade prior to six years. After marriage, she resumed the cohabitation, but she was not treated well and she was subjected for ill-treatment. On the basis of the said report, police have registered the crime against the present applicants.

5. During the pendency of this application, the parties arrived at a settlement and now the husband and wife i.e. the informant and her husband are residing together and they have settled their disputes amicably. As far as the present applicants

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are concerned, who are the brother-in-law and sister-in-law of the informant. The general nature of allegations are against them and in view of settlement, they are seeking quashing of FIR.

6. The applicants and the non-applicant No.2 appeared through video conferencing. The contents of the settlement terms are verified from them and they have agreed and accepted for the same.

7. 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** wherein the Hon'ble Apex 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 arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim but the offender and victim have settled all disputes between them

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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 FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

8. Though the offences are non-compoundable one but considering that the matter is amicably settled, the application deserves to be allowed. Accordingly, we proceed to pass following order.

ORDER

(i) The application is **allowed**.

(ii) The First Information Report in connection with Crime No.0840/2022 dated 02.12.2022 registered with Police Station Khadan, District Akola for the offence punishable under Sections 323, 498-A, 504, 506 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.314/2023, are hereby quashed and set aside, to the extent of present applicants.

The application is disposed of.

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