



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

CRIMINAL APPLICATION (APL) NO.1186 OF 2025

Narayan s/o Dilip Bhargava and others
Vs.

State of Maharashtra, through Officer In-charge, Sadar Police Station,
District Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Prabhjeet Jauhar, Counsel along with Ms. Anupama Kaul, Counsel along with Ms. Ayushi Dangre, Counsel for the applicants.
Ms. Shamshi Haider, APP for non-applicant No.1/State.
Mr. Sahil Dewani, Counsel along with Mr. R. S. Dewani, Counsel along with Sanket Bansal, Counsel along with Ms. Saiesha Hinge, Counsel for non-applicant No.2.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 08/09/2025**

1. By this application, the applicants are seeking quashing of First Information Report bearing No.246/2025 dated 05.04.2025 and charge sheet No.125/2025 dated 15.05.2025 registered at Sadar Police Station, Nagpur. During the pendency of this application, both parties arrived at a settlement and settlement terms are placed on record. As per the settlement, demand draft to the sum of Rs.80 Lakh shall be paid to the non-applicant No.2 before this Court at the time of quashing of the First Information Report and charge sheet, and the demand draft of Rs.80 Lakh would be paid to the non-applicant No.2 before the Family Court on the date of passing of divorce decree. Both the proceedings shall be undertaken on the same date.

2. In view of the settlement, the applicant Nos.1 to 3 appeared through video conferencing, whereas the non-applicant No.2 is present physically before this Court. They accepted the terms and conditions of the settlement and agreed for the same. As per the settlement terms, demand draft of sum of Rs.80 Lakh was handed over to the non-applicant No.2 in our presence, and Rs. 6 Lakh is also handed over in cash before the Court to the non-applicant No.2, as well as the demand draft which is to be given to her before the Family Court is also handed over before this Court to the non-applicant No.2. Thus, in view of the settlement terms, as far as the monetary transaction is concerned, which is complied with by the present applicants. In view of that, the non-applicant No.2 is under obligation to remain present before the Family Court for obtaining the decree of divorce.

3. It reveals that due to the matrimonial discord between the parties, the crime came to be registered against the present applicants. Now the present applicants have settled the dispute. The Apex Court has consistently taken the view that where the matrimonial relationship has come to an end by way of divorce, and the parties have since settled in their respective lives, criminal prosecution emanating from that past relationship ought not to be permitted to linger as a means of harassment. While exercising its powers under Article 142 of Constitution of India, the Apex Court has quashed the criminal proceeding arising out of matrimonial discord against the husband and also observed that the couple therein had divorced and held that in such a situation, to continue with criminal prosecution would amount to abuse of

the process of law. This fact is further considered by the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab (2012) 10 SCC 303** wherein the Apex Court has observed that the dispute between the offender and the victim have 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. Same issue was raised in **Naushey Ali Vs. State of U.P., (2025) 4 SCC 78**, wherein also it is observed by the Hon'ble Apex Court that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect by quashing the proceedings would be a grave abuse of process particularly when the dispute is settled and resolved.

4. In view of the above observation of the Hon'ble Apex Court, in the present case also both the parties have already settled the dispute and in that circumstances allowing the parties to continue with the criminal proceedings would be abuse of the process of law, in view of that the application deserves to be allowed. Accordingly, we proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The First Information Report No.246/2025 05.04.2025 registered at Police Station Sadar, Nagpur District Nagpur, charge sheet No.125/2025 dated

15.05.2025 in RCC No.1853/2025 pending before the learned Civil Judge Junior Division and Judicial Magistrate First Class, Nagpur, is hereby quashed and set aside, subject to the costs of Rs.40,000/- by the applicants and Rs.40,000/- by the non-applicant No.2.

(iii) 50 % of the cost be paid to the Vidharbha Lady Lawyers Association, Nagpur and 50 % cost be paid to the High Court Legal Services Sub-Committee, Nagpur.

(iv) The cost is to be paid within one week.

The application is disposed of.

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