



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

CRIMINAL APPLICATION [APL] NO.896 OF 2021

- Applicants** : 1. Kantaben w/o Amrutlal Patel,
Aged about 63 years, Occu. Homemaker.
2. Umeshbhai s/o Amrutlal Patel,
Aged about 42 years, Occu. Business.
3. Kirtikumar s/o Amrutlal Patel,
Aged about 40 years, Occu. Business.
- All are R/o Shrikrishna Apartment, Flat No.301,
Satnami Nagar, Tahsil & District Nagpur.

– Versus –

- Non-Applicants** : 1. The State of Maharashtra,
Through Lakadganj Police Station Officer,
Nagpur, Tahsil and District Nagpur.
2. Kanchan w/o Jignesh Patel, D/o Shankarlal Patel,
Aged about 36 years, Occ. Homemaker,
R/o. Shrikrishna Apartment, Plot No.301,
Satnami Nagar, Tahsil & District Nagpur.

WITH

CRIMINAL APPLICATION [APL] NO.1493 OF 2023

- Applicant** : 1. Jignesh s/o Amrutlal Patel,
Aged about 39 years, Occu. Private Work,
R/o Flat No.301, Shri Krishna Apartment,
AVG Layout, Near Kacchi Oswal Bhawan,
Satnami Nagar, Lakadganj,
Tahsil & District Nagpur – 440 008.
Mobile No. 9421779766/9637540055
Mail ID : jigneshpatel.ngp@gmail.com

– Versus –

- Non-Applicants** : 1. The State of Maharashtra,
Through Lakadganj Police Station Officer,
Nagpur, Tahsil and District Nagpur - 440008
2. Kanchan w/o Jignesh Patel, D/o Shankarlal Patel,
Aged about 37 years, Occ. Homewife,
R/o. C/o. Shankar Jiwraj Patel, Tulsi Niwas,
Plot No.247, Jag Jivan Ram Nagar, Garoba Maidan,
Near Dr. Ambedkar Square,
Tahsil & District Nagpur – 440008
Mobile No. 9422146654

 Mr. S.P Bhandarkar, Advocate for the Applicants in APL No.896/2021
 Mr. P.R. Masurkar, Advocate for the Applicants in APL No.1493/2023
 Mr. S.A. Ashirgade, A.P.P. for Non-Applicant No.1 in APL No.896/2021
 Mr. S.R.Hulke, A.P.P. for Non-Applicant No.1 in APL No.1493/2023
 Mr. A.S. Manohar, Advocate for Non-Applicant No.2 in both matters

CORAM : **ANIL L. PANSARE & M.M. NERLIKAR, JJ.**
DATE : **28th JULY, 2025.**

ORAL JUDGMENT : *(Per M.M. Nerlikar, J.)*

01. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

02. Both these applications are being filed for quashing and setting aside F.I.R. No.349/2021, dated 26/06/2021 arising out of the same crime, which was registered against the husband and in-laws of non-applicant No.2-informant for the offences punishable under Sections 323, 498 read with Section 34 of the Indian Penal Code (IPC).

03. **Brief facts :**

- i. The above mentioned F.I.R. came to be lodged by the informant making allegations that in the year 2009, her marriage was solemnized with Jignesh Patel at Nagpur. After few days of marriage, Jignesh, Kantaben, Umeshbhai and Kirtikumar started ill-treating the informant. It is alleged that Jignesh started quarreling and beating the informant. All the family members including the present applicants used to quarrel, scold and fight with the informant. Further, in the month of March, 2021, Jignesh hit the informant. The informant's sister-in-law also used to mentally torture her and all the applicants used to treat the informant like a servant. On 21/06/2021 at night, Jignesh again stated beating the informant and she was driven out of matrimonial home and asked to go to paternal home. However, she did not listen to Jignesh and, therefore, again on 22/06/2021, he pulled her hair and banged her head against the wall. Thereafter, on 23/06/2021, when all the applicants went to terrace and there was no one at home, at 06:00 p.m. Jignesh returned home and entered the room, tied a veil to the fan and tried to hang the informant. The informant narrated the entire incident to her family members. However, nobody believed the

informant. On 26/06/2021, she was driven out of the house by the applicants and, therefore, she went to her parental home and thereafter she lodged the F.I.R. Based on these allegations, the F.I.R. came to be registered against the applicants.

04. This Hon'ble High Court by an order dated 03/09/2021 was pleased to issue notice to the non-applicants, returnable after two weeks with a further direction that the investigation may go on, but the charge-sheet shall not be filed against the applicants without leave of the Court.

05. The learned Counsel for the applicants submits that the matter has been amicably settled between the parties and, therefore, based on the settlement, he requested that the F.I.R. should be quashed. It is further submitted that the settlement was also arrived at between the parties before the Family Court in H.M.P No.A-1414/2023. A pursis was filed before this Hon'ble Court stating that the settlement has been arrived at between both the parties. They have also filed the settlement-deed before the Family Court requesting for decree of divorce by mutual consent on certain terms and conditions, to which both the parties have agreed.

06. The learned Counsel appearing for the informant consented to the said facts and, accordingly, requested for quashing the F.I.R.

07. Today, the applicants as well as the informant are present in the Court. They were identified by their respective Counsel. We have interacted

with the wife as well as the husband. The husband has stated that he has paid Rs.11.00 lakhs towards full and final maintenance. The informant has also stated that she has received an amount of Rs.11.00 lakhs and has no objection to quash the F.I.R.

08. We have considered the submissions of both the parties. We have gone through the allegations in the F.I.R. As it can be seen that though there are certain allegations against the applicants and as the matrimonial dispute is settled between the parties, we thought it fit to quash the F.I.R. We are also satisfied that the settlement is *bona fide* and genuine and, therefore, the said settlement can be accepted.

09. 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. In the landmark judgment of the Hon'ble Supreme Court in the case of *Gian Singh vs. State of Punjab and another - 2012 Cr.L.J. 4934*, 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. The aforesaid ratio laid down by the Hon’ble Supreme Court states that on the basis of settlement, the matrimonial dispute can be quashed and set aside. Even, though Section 320 of the Code of Criminal Procedure (Cr.P.C.) bars compounding of the offence so far as Section 498-A of IPC is concerned, still that can be quashed by exercising the powers under Section 482 of Cr.P.C. or under Article 226 of the Constitution of India as laid down by the Hon’ble Supreme Court in catena of judgments.

11. In this view of the matter, considering the settlement arrived at between the parties and the certain terms and conditions are also filed along with the Pursis, we accept the same and, accordingly, we are inclined to quash the F.I.R. Hence, the following order:

ORDER

- i. The criminal applications are allowed.

- ii. First Information Report No.349/2021, dated 26/06/2021 registered with Police Station Lakadganj, Nagpur for the offences punishable under Sections 323, 498 read with Section 34 of IPC is hereby quashed and set aside.
- iii. Rule is made absolute in the aforesaid terms with no order as to costs.

(M.M. Nerlikar, J.)

(Anil L. Pansare, J.)

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