



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

CRIMINAL APPLICATION (APL) NO. 1570/2024

1. Shri Aditya s/o Arvind Pande,
(husband), age 33 yrs., Occ. Private Job,
R/o. 35, Daga Layout, N.A. Road,
Nagpur – 440022.
2. Smt. Arti w/o. Arvind Pande,
(mother-in-law), age 58 yrs.,
Occ. Housewife, R/o. 35, Daga
Layout, N.A. Road,
Nagpur – 440022.
3. Shri Arvind Pande (father-in-law),
Age 62 yrs., Occ. Retired,
R/o. 35, Daga Layout, N.A. Road,
Nagpur – 440022.

At present Nos. 1 to 3 R/o. Navi Mumbai.

...APPLICANTS

VERSUS

1. The State of Maharashtra,
through Police Station Officer,
Police Station: Sonegaon, Nagpur.
2. Sau. Krutika w/o. Aditya Pande,
Age 30 yrs., Occ. Household,
R/o. C/o. Shri Milind Dongare,
93, Narkesari Layout, Jaiprakash
Nagar, Nagpur – 440025.

NON-APPLICANTS

Mr. A.S. Mishrikotkar, Advocate for applicants.
Mr. S.A. Ashirgade, Additional Public Prosecutor for non-applicant No.1.
Mr. M.S. Totre, Advocate with Mr. S.J. Parate, 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, applicants are seeking to quash and setting aside charge-sheet bearing Regular Criminal Case No.24071/2024 pending before learned Chief Judicial Magistrate, Nagpur arising out of First Information Report ("FIR") vide crime No. 91/2024 registered at Police Station Sonegaon on 29.05.2024 for the offence punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

4. The brief facts are as under:-

5. Applicant No.1 is the husband of non-applicant No.2 (informant) and applicant Nos. 2 and 3 are mother-in-law and father-in-law respectively of non-applicant No.2. The marriage between applicant No. 1 and non-applicant No.2 was solemnized on 18.05.2025 as per Hindu rituals. Out of wedlock, the couple begotten one baby girl. However, after some days of marriage, there was ill-treatment to the informant i.e. non-applicant No.2. Mother-in-law and father-in-law of informant insisted her to leave job which is at Wadala. It is further alleged that the informant was getting salary Rs.30,000/- per month, however she used to credit Rs.15,000/- in the account of husband and remaining amount used to spend on household work. It is alleged that there was interference by mother-in-law to the extent that what is to be worn and not to be used. After pregnancy, the informant delivered a baby girl. All the expenses of delivery was born by the mother of the informant. It is further alleged that applicant Nos. 1 and 2 demanded flat from the father of the informant as the informant blessed with baby girl. However, informant's father has denied to give money for purchasing flat to applicant No.1. It is further alleged that applicant No.1 has

telephonically informed to the informant that if the flat is not given, applicant No.1 will not fetch informant to Mumbai. It is further alleged that non-applicant No.2 was ill-treated by using filthy language and bitten her and also threatened her by applicant No.1. Thereafter, non-applicant No.2 asked applicant No.1 to take her at Mumbai, but applicant No.1 without saying anything, sent a notice for divorce on 13.10.2023 and informed that he will not continue with the matrimonial life and he is ready to give divorce, therefore, it is alleged that all the applicants have physically and mentally tortured the informant. Therefore, she has lodged complaint.

6. After registration of FIR, the charge-sheet was filed and the case was registered as Regular Criminal Case No. 24071/2024 with the learned Judicial Magistrate First Class, Nagpur. Initially, the applicant prayed for quashing of the FIR, however as the charge-sheet was filed and the case was registered as Regular Criminal Case, a prayer was made to amend the application and accordingly, it is amended as per order dated 22.10.2024. The amended prayer is as under:-

“7(a) The Charge Sheet has filed and on 17.10.2024 registered as Regular Criminal Case No. 24071/2024. Therefore, the applicants approached to this Hon’ble Court prayed for quashing the Chargesheet and its further proceedings.”

7. We have heard learned counsel appearing for applicants as well as non-applicant No.2. It is stated by both the parties that the settlement agreement entered into between the parties. On said settlement agreement along with the settlement pursis placed on record and these are marked as “X” and “Y” respectively for identification. It is seen from the settlement agreement that this Court vide order dated 06.05.2025, referred the matter for Mediation Centre, at High Court, Nagpur. Accordingly, after certain sessions before learned Mediator, settlement has arrived on 14.06.2025 and accordingly, on 18.07.2025, the settlement was finalised on the following terms:-

“A. Both the parties hereto have arrived at an amicable settlement for dissolution of marriage by mutual consent.

B. That the petitioner/husband agreed to pay full and final alimony of Rs. 10,00,000/- (Ten Lakh Only). That the parties have agreed that the petitioner-husband will pay half of settlement amount/alimony to the respondent-wife i.e. of Rs.5,00,000/- (Rs. Five Lakh only) through DD, which will be

handed over at the time of hearing before the Hon'ble High Court.

C. Further, it is also agreed between the parties that the petitioner husband will pay DD of Rs.5,00,000/- (Five Lakh only) at the time of Mutual Divorce at family court, Nagpur.

D. The petitioner husband will hand over the Gold and Silver ornaments and other material (as per annexure list) to the respondent wife at the time of Mutual Divorce at family court, Nagpur only not anywhere. There is no dispute in between the same at the time of Mutual Divorce.

The Gold Jewellery the list as per below:-

- . Gold Necklace Set i.e. Earring And Necklace,*
- . Silver Jewelry i.e. Painjan,*
- . Motyachetode,*
- . Mangalsutra 3 Padari,*
- . Gold Bangles (Given by respondent's Mother)*
- . Gold Earrings*
- . Murals of Lord Krishna, Annpurna.*

E. It is agreed between the parties that the custody of the child will remain with the respondent wife. It is further agreed between the parties that wife shall have sole and exclusive legal and physical custody, Guardianship and Decision making authority of the child girl Ovi, the petitioner husband has consented for the same. However, petitioner/husband will not responsible further any claims i.e. daughter's education, marriage, health issues and each and every expenses of daughter Ovi and her mother.

F. The respondent/wife and petitioner husband mutually agreed to handover the gold Ring, which was gifted to each other at the time of Engagement ceremony.

G. The parties have agreed to withdraw the cases filed against each other, the detail of cases filed by the parties against each other are already provided at para 5 above.

H. The petitioner husband has agreed to give passport of the respondent/wife to her. The respondent wife does hereby declare and confirm that in future, she shall not have any sort of legal right/s by any manner over the petitioner husband or his property/ies and if at all she has any such right, she does hereby forgive the same forever. After passing decree of divorce by the Hon'ble Family Court, both the petitioner and respondent will not interfere in personal life of each other in future.

I. That the petitioner/husband and respondent/wife hereto confirm and decree that they have, voluntarily and of their own free will decide not to live together as husband and wife."

8. Further, the settlement pursis dated 18.07.2025 is tendered by the parties and it is stated in the said settlement pursis that:-

"Upon compromise/settlement talk, both the parties to the present case i.e. Criminal Application No.1570/24 (APL) are ready and willing to compromise/settle the present dispute before the mediator upon the terms and conditions which is annexed herewith. Accordingly, the present matter may be disposed off as per law."

9. Upon consideration of the fact that the parties have arrived at settlement and decided to separate from each other. We find that there is no hurdle in quashing the criminal proceedings. We appreciate the efforts taken by learned Mediator Mrs. Sonali Saware in settling the matrimonial dispute between the parties.

10. Upon consideration in the above facts and circumstances of the case, we are satisfied that the settlement is genuine. We have also interacted with the parties. We have confirmed that they have arrived at amicable settlement on the terms and conditions which are reproduced (*supra*) and therefore, the informant gave consent to quash the criminal proceedings.

11. 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.”

12. In that view of the matter, we pass the following order:-

I. Application stands allowed:-

II. We hereby quash and set aside charge-sheet bearing Regular Criminal Case No. 24071/2024 pending before learned Chief Judicial Magistrate, Nagpur arising out of First Information Report (“FIR”) vide crime No. 91/2024 registered at Police Station Sonegaon on 29.05.2024 for the offence punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

13. Application stands disposed of in above terms.

(M. M. NERLIKAR, J.)

(ANIL S. KILOR, J.)