



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

CRIMINAL APPLICATION (APL) NO. 1544 OF 2025

Shivani Santosh Surkar

Vs.

State of Maharashtra, Thr. PSO, Police Station- Wardha City, Taq. And Dist.- Wardha
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. M. V. Rai, Advocate for the applicant
Mr. V. S. Wankhade, Advocate for the applicant
Mr. Nikhil Joshi, APP for non-applicant/State

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

DATED : 22.12.2025

1. Present application is preferred by the applicant for quashing of the First Information Report in connection with Crime No. 483/2025 registered under Sections 109(1), 333, 118(1), 115(2), 324(2), 351(2), and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by the non-applicant no. 2 alleging that there was previous acquaintance between the non-applicant no. 2 and the present applicant. On 14.03.2025, she was present for celebrating Holi, but there was an altercation of words between them, and she threatened him. On 19.03.2025,

again there was an altercation between them, and during that altercation she gave a blow with an iron rod on his person, due to which injuries were sustained on his hand. On the basis of the said report, the police have registered the crime against the present applicant.

2. During the pendency of this application, the applicant and the non-applicant no. 2 entered into a settlement. It is submitted by the learned counsel for the applicant that, though there is an allegation of sustaining injuries by the non-applicant no. 2, the injury is of a simple nature, and therefore the offences alleged are not made out. He has also invited our attention to the medical certificate and submitted that the endorsement of the Medical Officer shows that the injuries sustained by the injured are simple in nature. Considering the nature of the injuries and the amicable settlement between the parties, in order to maintain peace and harmony between the two families, he submitted that the application deserves to be allowed.

3. Learned counsel for the non-applicant no. 2 has also supported the same. Learned A.P.P., however, strongly opposed the same by stating that the offences are non-compoundable in nature and, therefore, the application deserves to be rejected.

4. Learned counsel for the applicant placed reliance on the decision in *State of Madhya Pradesh vs. Laxmi*

Narayan in Criminal Appeal No. 349 of 2019, decided on 05.03.2019, and **Naushey Ali vs. State of U.P.**, reported in (2025) 4 SCC 78.

5. In **Naushey Ali Vs. State of U.P. reported in (2025) 4 SCC 78**, the Hon'ble Apex Court by referring its earlier decision in **State of Madhya Pradesh Vs. Laxmi Narayan in Criminal Appeal No. 349 of 2019** held "Where the High Court quashes a criminal proceeding by considering a settlement, although the offences are not compoundable, it does so as, in its opinion, continuation of criminal proceedings will be an exercise in futility. Further the High Court also opines that justice in the case demands that the dispute between the parties is put to an end and peace is restored; for securing the ends of justice. However, crimes that have harmful effects on the public and consist of wrongdoing that seriously endangers and threatens the public and consist of wrongdoing that seriously endangers and threatens the well-being of the society held cannot be quashed only because the accused and the victim amicably settled the matter. Therefore quashing held can be allowed by the High Court when it is satisfied that the face of settlement arrived at between parties, that there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceeding justice shall be casualty and ends of justice shall be defeated.

6. In the said judgment the Hon'ble Apex Court has considered the earlier judgment and the observation of the said judgment in the case of ***State of M.P Vs. Laxmi Narayan*** wherein the principles laid down are as under :-

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character; particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court

would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and /or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh V. State of Punjab, (2014) 6 SCC 466: (2014) 3 SCC (Cri) 54 should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;"

7. Thus, while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences which are private in nature and do not have a serious impact on society on the ground that there is a settlement/compromise between the victim and the offender, this Court is required to consider the antecedents of the accused, the conduct of the accused, namely whether the accused was absconding and why he was absconding, how he had managed the complainant to enter into a compromise, etc.

8. Considering the above propositions admittedly there are no criminal antecedents as far as present applicant is concerned there is nothing on record to show that the conduct of the accused was such that it would affect the interest of the society. The dispute between both of them is completely private in nature and do not have a serious impact on society. The injuries sustained by the non-applicant no. 2 is also simple in nature and caused during the altercation, therefore, the application deserves to be allowed. Accordingly, we proceed to pass the following order :-

ORDER

- i) Application is allowed.
- ii) The First Information Report in connection with Crime No. 483/2025 registered under Sections 109(1), 333, 118(1), 115(2), 324(2), 351(2), and 352 of the Bharatiya Nyaya Sanhita, 2023 and with consequent proceeding charge sheet number converted into R.C.C. No. 515/2025 is hereby quashed.
- iii) Application is disposed of in above mentioned terms.

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