



Judgment

apl1663.23

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

**CRIMINAL APPLICATION [APL] NO. 1663 OF 2023.**

1.Prashant Babanrao Taksande,  
Aged about 36 years, Occupation –  
Private. (Husband)

2.Babanrao Mahadeo Taksande,  
Aged about 68 years, Occupation –  
Private. (Father-in-Law)

3.Chandatai Babanrao Taksande,  
Aged about 58 years, Occupation –  
Housewife. (Mother-in-Law)

4.Pranali Pravin Bele,  
Aged about 39 years, Occupation –  
Housewife, (Sister-in-Law)

All applicants resident of Plot No.7,  
Om Shanti Gruh Nirman Society,  
Datey Layout, Jaitala, Nagpur.

... **APPLICANTS.**

**VERSUS**

1.State of Maharashtra,  
through PSO, P.S. Hudkeshwar,  
Nagpur.

Rgd.

2.Kiran Prashant Taksande,  
Aged about 33 years, Occupation-  
Housewife, resident of C/o. Kalicharan  
Damaji Chauhan, Ashok Nagar,  
Kadar Zenda, Kamptee,  
District - Nagpur.

... NON-APPLICANTS.

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Ms N.S. Pathan, Advocate for the Applicants.  
Ms S. Thakur, A.P.P. for Non-applicant No.1.  
Mr.U.E. Quazi, Advocate h/f. Shri M. Hussain, Advocate for Non-  
applicant No.2.  
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CORAM : ANIL S. KILOR AND  
M.M. NERLIKAR, JJ.

DATE : JULY 17, 2025.

ORAL JUDGMENT (PER M.M. NERLIKAR, J.) :

Heard. Rule. Rule is made returnable forthwith and by  
consent of learned Counsel appearing for the parties, matters are taken  
up for final disposal.

2. This application filed under Section 482 of the Criminal  
Procedure Code by the applicants praying for quashing of the first  
information report No.162/2022 dated 09.03.2022 registered with

Hudkeshwar Police Station, Nagpur for the offence punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, as also the charge sheet and criminal proceeding bearing R.C.C.No.3233/2022 pending on the file of Judicial Magistrate First Class, (MV Court), Nagpur. The said first information report is lodged by the non-applicant no.2/informant.

3. The applicant no.1 is husband of non-applicant no.2, applicant nos. 2 and 3 are father-in-law and mother-in-law, while non-applicant no.4 is her sister-in-law. The brief facts of the case are as under :-

Marriage between Applicant no.1 and Non-applicant No.2 was solemnized on 12.01.2022 at Chandni Celebrations, Kamptee Road, Nagpur as per the customs prevailing in their family. It is alleged by the complainant that after two months of the marriage, applicant no.1 started demanding dowry. Applicant nos. 2 to 4 joined him and also started demanding amount for construction of house, as well as a demand of Motor Car was also made. Since their demands

Rgd.

were not fulfilled, all the applicants started harassing the informant. It is further alleged that the applicant no.1 has purchased a second hand car on 01.12.2021 and for making payments towards said car, he demanded the amount from Non-applicant no.2 and asked her to bring said amount from her father.

4. On 08.12.2021, applicant nos. 1 to 3 dragged the informant out of the house for bringing the amount from her father. Accordingly, informant went to her parental house, and stayed there for one month. Thereafter parents and other relatives of informant came to the house of applicants, however, all the applicants quarreled with them. Thereafter on 05.03.2022, applicant no.3 assaulted the informant on which a non-cognizable offence was registered under Sections 323, 504 and 506 of the Indian Penal Code. It is further alleged that after registration of the non-cognizable offence, when the informant had been to her matrimonial house, she found no one in the house and all applicants have left her alone.

5. Based on these allegations, the non-applicant no.1 had

registered the aforesaid first information report, carried out investigation and filed charge sheet before the learned Judicial Magistrate First Class, Nagpur.

6. We have heard the learned Counsel for the parties. It is contended by the learned Counsel for the applicants and non-applicant no.2/informant that, during pendency of this application, parties have arrived at a compromise. The informant and applicants have produced on record terms of compromise / settlement filed before the Family Court, Nagpur on 04.06.2025. This terms of settlement is signed by both the parties along with their Advocates. Both the parties are present before the Court and are identified by their respective Counsel. On interaction, the non-applicant no.2/informant has in unequivocal terms stated that she has no objection for quashing the first information report, charge sheet and pending criminal proceeding before the trial Court bearing R.C.C.No.3233/2022. We have taken on record the said terms of compromise.

7. It is relevant to mention here that during pendency of this application, the informant has filed her affidavit-in-reply DATED 16.02.2024, which goes to show that she wanted to contest the proceeding. However, later on i.e. today both parties appeared before this Court and requested for quashing of the criminal prosecution on the basis of the compromised arrived between them.

8. It is well settled position of law that powers under Section 482 of the Code of Criminal Procedure can be exercised for quashing criminal proceeding, though Section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act are non-compoundable. The law in this regard has been crystallized and it is held in catena of judgments that Section 320 of the Code is no bar to quash the criminal proceedings in relation to Section 498-A. In this regards benefit can be taken from the view taken by the Hon'ble Supreme Court in case of **Gian Singh .vrs. State of Punjab and another**, reported at **2012 Cr.L.J. 4934**. In this judgment the Hon'ble Supreme Court has carved out certain exceptions in respect of quashing of the first information report, the same are as under :

“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.”*

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9. Considering the above facts and circumstances of the case, perusal of the terms of settlement and interaction with the non-applicant no.2, we are satisfied that the settlement is genuine. In view of this settlement, the applicant no.1 would be paying an amount of Rs.1,75,000/- towards full and final settlement to the informant on 24.07.2025 on which the proceeding for mutual divorce is coming up before the Family Court. Further the informant has agreed to withdraw all proceedings prior to filing of the mutual consent proceeding before the Family Court.

10. Upon consideration of above facts and circumstances, there is no purpose in keeping the dispute alive in the Court of Magistrate, as no one is interested, rather the matter is settled. It is also necessary to mention here that the applicant no.1 and the informant have parted with each other and considering their future, we deem it appropriate to invoke our inherent powers to secure the ends of justice. Hence, the following order.

Rgd.

**ORDER**

- (1) Criminal Application is allowed.
- (2) The First Information Report No.162/2022 dated 09.03.2022 registered with Hudkeshwar Police Station, Nagpur for the offence punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, as also the charge sheet and criminal proceeding bearing R.C.C.No.3233/2022 pending on the file of Judicial Magistrate First Class, (MV Court), Nagpur is hereby quashed and set aside.
- (3) Rule is made absolute in aforesaid terms.

**JUDGE**

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