



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

CRIMINAL APPLICATION (APL) NO.1703 OF 2025

[Bharat @ Atul S/o Vijayrao Kharate ..Vs.. State of Maharashtra and
Another]

AND

CRIMINAL APPLICATION (APL) NO.202 OF 2023

[Smt. Pushpa w/o Vijayrao Kharate and Others ..Vs.. State of Maharashtra
and Another]

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

Court's or Judge's order

Mr A. P. Tathod, Advocate for Applicants in both the application.
Ms S. V. Kolhe, Addl. P. P. for Non-Applicant/State in both the applications.
Ms Arbat, Advocate for Non-Applicant No.2.

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

DATE : **12th NOVEMBER, 2025.**

. Heard.

2. By these applications, the applicants are seeking to quash the First Information Report in connection with Crime No.2 of 2023 registered under Sections 498-A and 323 read with Section 34 of the Indian Penal Code, 1860.

3. The criminal application bearing No.202 of 2023 is filed by the applicants who are the in-laws and other nearest relatives of the informant's husband whereas, the criminal application bearing No.1703 of 2025 is filed by the husband - Bharat @ Atul Vijayrao Kharate.

4. The crime is registered on the basis of a report lodged by the informant on an allegation that her marriage was performed with

applicant – Bharat Kharate on 10.02.2022. After the said marriage, she resumed cohabitation at house of the applicants but, she was not treated well and she was subjected for the physical as well as mental ill-treatment. On the basis of said report, police have registered the crime against the applicants.

5. During pendency of these applications, the parties arrived at a settlement and it was decided between them that the applicant – husband and non-applicant No.2 - wife would file a petition for dissolution of marriage by mutual consent. Accordingly, they have already filed a petition bearing No.125 of 2025 for dissolution of marriage. As per the said settlement, it was further decided that the applicant - husband has to pay Rs.9,25,000/- as full and final settlement towards the matrimonial. Out of which, the amount of Rs.3,00,000/- have already been paid and the remaining amount of Rs.6,25,000/- is to be paid on passing of decree of dissolution.

6. The applicants and the non-applicant No.2 are present before the Court alongwith their counsel. Their identity as well as the genuineness of the settlement terms are verified. The applicants as well as the non-applicant No.2 both have agreed and accepted the terms and conditions of the said settlement. In view of that the applications deserve to be allowed.

7. At this stage, a reference can be made to the decision of the Hon'ble Apex Court in the case of Gian Singh vs State Of Punjab & Another, reported in MANU/SC/0718/2012 wherein, the Hon'ble Apex Court has observed that where High Court quashes a criminal

proceedings having regard to the fact that dispute between the offender and victim has been settled although 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. In this regard, a specific reference was made to the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable.

8. The similar ratio is laid down by the Hon'ble Apex Court in the case of *Naushey Ali vs. State of U.P.*, reported in *(2025) 4 SCC 78*, wherein also the Hon'ble Apex Court observed that when the parties have amicably resolved the dispute, the continuation of the proceedings would be futile and the ends of justice by quashing the proceedings.

9. In view of the above observations of the Hon'ble Apex Court and the matter being of matrimonial nature, it being settled, the applications deserve to be allowed. Accordingly, we pass the following order :

ORDER

i) Criminal Application Nos.1703 of 2025 and 202 of 2023 are **allowed.**

ii) The First Information Report in connection with Crime No.2 of 2023 registered under Sections 498-A and 323 read with Section 34 of the Indian Penal Code, 1860, are hereby quashed and set aside to the extent of the present applicants.

10. Both the applications are disposed of in the above terms.

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