



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.16/2024

1. Syed Shoeb S/o Syed Rahim Qureshi @
Shoeb Qureshi Afsar Qureshi,
Aged about 25 years, Occ- Labourer,
2. Syed Rahim S/o Syed Gani @ Afsar Qureshi,
Aged about 50 years, Occ- Service,
3. Syed Irfan S/o Syed Gani @ Irfan Qureshi,
Aged about 45 years, Occ- Labourer
All R/o- Sontakke Plots, Akola,
Tq. And Dist. Akola.

... APPLICANTS

...VERSUS...

1. STATE OF MAHARASHTRA,
Through P.S.O. Old City, Akola
2. XYZ,
the victim in Crime no. 384/2023, registered
in Old City, Police Station, Akola

...NON-APPLICANTS

Shri Z.Z. Haq, Advocate h/f for applicants
Shri N.B. Jawade, APP for non-applicant No.1/State
Shri Syed Salman Ali, Advocate for non-applicant No.2

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

DATED : 12.11.2025

ORAL JUDGMENT (PER : URMILA JOSHI-PHALKE , J.)

Heard. Admit. Heard finally with the consent of learned Counsel for the parties.

2. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No. 0384/2023, registered with Police Station Old City, Akola, for the offences punishable under Sections 354, 354-A, 323, 504, 506, read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, (for short 'the POCSO Act') 2012.

3. As far as the applicant No.1 is concerned, learned Counsel for the applicants has not pressed the application, therefore, the application is to be disposed of as far as the applicant No.1 is concerned.

4. The crime is registered on the basis of a report lodged by the victim/non-applicant No.2 on an allegation that her age on 22.05.2007 was 16 years and 5 months and she studied up to 11th

standard. There was friendly relations between the co-accused and the present applicants. The co-accused Shoeb has outraged her modesty by holding her in his arms. It is further alleged that on inquiry with the co-accused (1:25:36) by in her parents, her parents were assaulted by the applicant Nos.2 and 3 by fists and kick blows. Report came to be lodged against the present applicant. On the basis of the said report police have registered the crime against the present applicants.

5. Heard learned Counsel for the applicants who submitted that as far as applicant Nos. 2 and 3 are concerned, there is no allegations as far as provisions of the Protection of Children from Sexual Offences Act, are concerned. The only allegation against them is that they have assaulted the parents of the victim when they visited the house of the applicants on 19.10.2023, by fists and kick blows on making inquiry. As to the act of the other co-accused, he further invited our attention towards the reply filed by the non-applicant No.2 wherein she has stated that now the dispute is settled between them and she has no objection if the First Information Report and incidental proceedings therefrom s quashed

owing to the settlement arrived amongst them.

6. Learned Counsel for the non-applicant No.2 has supported the said contention and submitted that in view of the settlement, the informant has no objection to quash the First Information Report, as far as applicant Nos. 2 and 3 are concerned.

7. The learned Additional Public Prosecutor though strongly opposed the said application but then submitted that the allegation against the present applicants are only to the extent of assault by fists and kick blows, therefore the offence at the most would come under Section 323 of the Indian Penal Code.

8. In view of the observations of the Hon'ble Apex Court in the case of *Gian Singh Vs. State of Punjab, (2012) 10 SCC 303*, wherein, the Hon'ble Apex Court has observed that "*where the High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and the victim has been settled, although the 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.”

9. In this regard a specific reference was made to offences arising out of matrimony, particularly relating to dowry etc. or a family dispute where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably irrespective of the fact that such offences have not been made compoundable. The High Court may within the framework of its inherent power quash the criminal proceedings, a criminal complaint or First Information Report if it is satisfied that on the phrase of settlement there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceeding, justice shall be casualty and the ends of justice shall be defeated.

10. In view of the above observations if the facts of the present case are taken into consideration, admittedly the allegation against the applicant Nos. 2 and 3 are to the extent of assault by fists and kick blows. In view of the settlement, the non-applicant No.2 has already withdrawn the said allegations, and therefore, the

application deserves to be allowed to the extent of applicant Nos. 2 and 3 are concerned. In view of that we proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The application as far as applicant No.1 is concerned is disposed of as not pressed.
- iii) The the First Information Report in connection with Crime No. 0384/2023, registered with Police Station Old City, Akola, for the offences punishable under Sections 354, 354-A, 323, 504, 506, read with Section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, as also, consequent charge sheet No. 197/2023 and the proceeding are hereby quashed to the extent of applicant Nos. 2 and 3 are concerned.

11. The application is disposed of in the above said terms.

(NANDESH S. DESHPANDE, J.)

Jayashree..

(URMILA JOSHI-PHALKE, J.)