



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

CRIMINAL APPLICATION (APL) NO. 543 OF 2024

1. **Jivan Prakash Khade**
Aged about 33 years,
Occupation : Service
(husband)
2. **Prakash Namdeo Khade**
Aged about 59 years,
occupation : Nil, Both 1 and 2 R/o
House no.336, at Post Ramtirth,
Daryapur, Amravati
Maharashtra 444803
(Father in law)
3. **Arun Namdeo Khade aged about 72 years,**
Aged : 72 years, occupation: nil
(cousin father in law)
4. **Lilabai Arun Khade**
Aged about 71 years,
Occupation :Nil
Both 3 and 4 R/o House No.379 at
Post Ramtirth, Daryapur, Amravati
Maharashtra- 444803
(cousin mother in law)
5. **Sarika Santosh Raibole**
Aged about 36 years, Occ: Nil,
R/o C/o Santosh Sukhdevrao
Raibole, plot No.14, Ward No.06,
Hingna, MIDC Road, Gedam Layout,
I.C. Chawk, Nildoh Nagpur-440002
(sister in law)

APPLICANTS

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,

Police Station Telhara, District
Akola

2. **Diksha Jivan Khade,**

Aged about 28 years,

Occ.: Household

R/o Nagar Parishad Colony, Telhara,
Akola, Maharashtra

NON-APPLICANTS

Mr A.S. Shukla, Advocate for the applicants.

Mr Nikhil Joshi, APP for non-applicant No.1/State.

Mrs. Sushma W. Deshpande, Advocate for non-applicant Nos.2.

CORAM : URMILA JOSHI PHALKE, J. AND

NANDESH S. DESHPANDE, JJ.

DATED : 18.09.2025

O R A L J U D G M E N T : (PER : URMILA JOSHI PHALKE, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Taken up for
final disposal with the consent of learned counsel for the parties.

3. The present application is preferred by the applicants
for quashing of the First Information Report in connection with
Crime No.360/2023 registered under Sections 323, 498-A and 504
read with 34 of the Indian Penal Code (for short, 'I.P.C.').

4. Crime is registered on the basis of the report lodged by informant- Diksha Jivan Khade on an allegation that her marriage was performed with applicant No.1 on 29.04.2018. After the marriage she resumed the cohabitation. However, she was ill treated by her husband and the other relatives i.e. son-in-laws and cousin-in-laws also. On the basis of said report, police have registered the crime against present applicants.

5. During pendency of this application the parties arrived at a settlement. In view of the settlement the decree of dissolution of marriage is already passed. The consent terms are also on record.

6. In view of the said consent terms, they have decided to live separately by dissolving their marriage. Parties are present before the Court. They have accepted and agreed the terms and conditions of the settlement terms.

7. As observed by the Hon'ble Apex Court in the case of **Gian Singh vs State of Punjab** reported in (2012) 10 SCC 303 that

where the High Court quashes a criminal proceeding having regard to the fact that the 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. 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 proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

8. Similar observation is made by the Hon'ble Apex Court in the case of *Naushey Ali Vs. State of Uttar Pradesh* reported in *(2025) 4 SCC 78* wherein it is held that when the parties have amicably resolved the dispute, the continuation of proceeding would be futile and the ends of justice requires that the settlement be given effect to by quashing the proceedings.

9. In the light of the above observation, herein the dispute between the parties is matrimonial in nature. They have already obtained the decree of dissolution of marriage. As the entire investigating agency was used for investigating the crime, in view of that Criminal Application deserves to be allowed subject to cost of Rs.20,000/- (Rupees Twenty Thousand Only).

10. Hence, we proceed to pass following the order:-

ORDER

- (i) The Criminal Application is allowed.
- (ii) First Information Report bearing No. 360/2023 registered at Police Station Telhara District Akola for the offences punishable under Section 323, 498-A and 506 read with Section 34 of the Indian Penal Code is hereby quashed

and set aside subject to the cost of Rs.20,000/- (Rupees Twenty Thousand Only) against the applicants.

Corrected as
per C.O. Order
dt. 25.11.2025

(iii) The applicants shall pay the cost of Rs.20000/- (Rupees Twenty Thousand Only) to HCBA Library.

11. The criminal application stands disposed of.

Rule accordingly.

Pending applications, if any, also stand disposed of.

[NANDESH S. DESHPANDE, J] [URMILA JOSHI PHALKE, J.)

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