



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO. 522/2025

1. Alok S/o Rajendra Singh,
Aged about 38 years, Occ- Salesman,
R/o. Plot No. 150, Shambhu Nagar,
Near Shivgiri Square, Koradi Road, Mankapur,
Nagpur.

... APPLICANT

...VERSUS...

1. State Of Maharashtra,
Through Police Station Officer,
P. S. Sadar, Nagpur.
2. XYZ, in Crime No. 205/2025,
Through Police Station Officer,
P. S. Sadar, Nagpur

...NON-APPLICANTS

Mr. Sandeep Naresh Singh, Advocate for the applicant
Ms. Shamsi Haider, APP for non-applicant/State
Ms. Bhavika Rajkumar Hindustani, Advocate for the non-applicant no.2

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

RESERVED ON : 05th DECEMBER, 2025.
PRONOUNCED ON : 18th DECEMBER, 2025.

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

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

2. This is an application filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of the First Information Report bearing no. 205/2025 registered on 15.03.2025 by the non-applicant no. 1 police station for offences punishable under Sections 376 (2)(n) of Indian Penal Code, read with Section 3 (1)(w)(i), 3(1)(w)(ii), 3(ii)(v-a) of Schedule Caste and Schedule Tribe (Prevention of Atrocities Act), 1989. It further prays for quashing the charge sheet no. 113/2025 (State Vs. Alok S/o Rajendra Singh).

3. As per the averments in the First Information Report, the non-applicant no. 2 lodged a complaint with non-applicant no. 1, stating that she was acquainted with the applicant since the year 2018 and thereafter, love relations blossomed between them. Thereafter, the applicant on the pretext of marriage established

physical relation, since there was some dispute between the non-applicant no. 2 and her husband and they were not leaving together. It is further stated that the applicant never disclosed the fact that he is married. Thus the non-applicant no. 2 alleged in her First Information Report that on a false pretext of marriage the applicant obtained her consent, established physical relationship with her and thereafter refused to marry her. The said First Information Report is challenged in the present application.

4. We have heard Mr. Sandeep Naresh Singh learned counsel for applicant as also Ms. Shamsi Haider learned APP for non-applicant/State and Ms. Bhavika Rajkumar Hindustani learned counsel for the non-applicant no. 2. During the pendency of the present application, the non-applicant no. 2 filed an affidavit stating that she does not want to pursue the First Information Report. The relevant Paras in the affidavit of the non-applicant no. 2 is as under :-

“2. That, after going through the application, the applicant has filed present application for quashing of First Information Report bearing Crime No.205/2025, registered

with respondent no.1. The present respondent no.2 has filed the complaint on 15.03.2025 against the applicant with respondent no.1 and thereafter on 29.03.2025 the applicant was released by learned Special Court Atrocity Act, Nagpur by passing order. In the said bail application, the respondent no.2 has given her No Objection to grant bail to the applicant.

3. *It is submitted that the registration of crime by the respondent no.2 is under the heat of passion and misunderstanding. The respondent no.2 is withdrawing all her allegations made in the said FIR and state that she was having love relations with the applicant and out of the said relation, they have maintained the physical relations with their free consent. The applicant has never established sexual relations with the respondent no.2 against her will.*

4. *That, as the respondent no.2 is a married lady, does not want to involve in any legal dispute and wants to withdraw her allegations as the said FIR is/was an outcome of misunderstanding between applicant and respondent no.2. The respondent no.2 never stated in her complaint that the applicant has abused her on caste but the police authorities inflected the provisions of S.C. & S.T. (Atrocity) Act, 1989. The respondent no.2 further submits that, she does not want to proceed with the matter or to give any statement to the police authorities against the applicant. Only due to misunderstanding with regard to the accounts of the business and due to quarrel, the respondent no.2 has lodged police complaint against the applicant under the heat of anger. Therefore, the respondent no.2 without any undue influence*

or threat, by her free will withdrawing all the allegations made in the FIR and does not want to continue with the criminal matter against the applicant.”

5. In view of this fact, vide order dated 19.11.2025 we directed the Registrar (Judicial) to make an inquiry as to the authenticity of the contents of the affidavit as also the identity of the parties and place the report before us. Accordingly, the Registrar (Judicial) has identified the parties and the contents of the affidavit. As per the report of the Registrar (Judicial) the applicant and the non-applicant no. 2 has confirmed the contents of the affidavit-in-reply. Joint affidavit by both of the parties is also filed on record in which the following averments are made.

“5. The deponent no.1 and 2 further say and submit that both are married and having their respective children. This fact is known to each other. The deponent no.2 submits that under the heat of passion and misunderstanding she has lodged the FIR but the deponent no.2 is withdrawing all her allegations made in the said FIR. Both the parties are having love relations and out of the said relations they have maintained the physical relations with their free consent and the deponent no.1 has never established sexual relations with the deponent no.2 against her will.

6. The deponent no.1 and 2 say and submit that they have settled their matter out of court and the deponent no.2

does not want to continue with the Criminal Case and wants to withdraw her allegations made in the FIR. That, only due to misunderstanding between the parties and due to quarrel, the deponent no.2 has lodged the police complaint under the heat of anger, therefore as the matter is settled, this matter may kindly be disposed of by quashing the entire charge-sheet.”

6. True it is that the offence punishable under Sections 376 (2) (n) of Indian Penal Code, read with Section 3 (1)(w)(i), 3(1)(w) (ii), 3(ii)(v-a) of Schedule Caste and Schedule Tribe (Prevention of Atrocities Act), 1989 is not compoundable in nature. However, as enunciated by the Hon’ble Supreme Court in judgment of ***Gian Singh Vs. State of Punjab And Another*** reported in (2012) 10 SCC 303, which is subsequently followed in judgment of ***Narinder Singh And Others Vs. State of Punjab And Another*** reported in 2014(2) MLJ (Criminal) 365, it is held as under :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines :

“Where the High Court quashes a criminal proceeding having regard to the facts 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. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc. or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavor having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and 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. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

Thereafter, the Court summed up the legal position in the following words :

“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 guidelines 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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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 pre-dominantly civil flavor stand on a 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, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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 or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise

between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. Furthermore, as far as the offences punishable under Section 3 (1)(w)(i), 3(1)(w)(ii), 3(ii)(v-a) of Schedule Caste and Schedule Tribe (Prevention of Atrocities Act), are concerned, no prima facie material is on record to incriminate the applicant as there is not intention to humiliate / abuse non-applicant no. 2 in the name of caste nor there is material on record to show that applicant is aware of the caste of non-applicant no. 2 and therefore he acted in such manner as stated.

8.. In the background of the position of law as stated supra and in view of the fact that the non-applicant no. 2 has not objected to grant of bail of the applicant and filed an affidavit the contents of which are reproduced supra, and also in view of the fact that the joint affidavit has been filed the contents of which are verified by the Registrar (Judicial). We are of the view that there is no chance

of conviction of the applicant in the present crime and continuance of proceedings against him for the said offence would amount to abuse of process of the Court. In that view of the matter, we pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The First Information Report in connection with Crime No. 205/2025 and consequent proceeding arising out of charge sheet no. 113/2025 registered under Sections 376 (2)(n) of Indian Penal Code, read with Section 3 (1)(w)(i), 3(1)(w)(ii), 3(ii)(v-a) of Schedule Caste and Schedule Tribe (Prevention of Atrocities Act), 1989 is hereby quashed and set aside to the extent of the applicant - Alok S/o Rajendra Singh.
- (iii) The application is disposed of in above said terms.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Shubham