



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

CRIMINAL APPLICATION (APL) No.681 OF 2025

Nohed Ali Nawab Ali @ Nohel Ali Nawab Ali,
Aged about 19 years,
Occupation : Student,
R/o. Dhotra, Shinde Post Kanzara,
Murtizapur, Akola. : APPLICANT

...VERSUS...

1. State of Maharashtra,
Through Police Station Officer,
Police Station Civil Lines,
Akola.
2. Neha Vasant Thakare,
Aged about 18 years,
Occupation : Student,
R/o. At Post Pardi (Tad),
Mangrulpir, Washim. : RESPONDENTS

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Mr. Zeeshan Z Haq, Advocate for Applicant.
Mr. A.J. Gohokar, Additional Public Prosecutor for Respondent No.1.
Ms. Aparna M. Telange, Advocate for Respondent No.2.

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CORAM : **URMILA JOSHI-PHALKE AND**
NANDESH S. DESHPANDE, JJ.
RESERVED ON : **11th DECEMBER, 2025.**
PRONOUNCED ON : **24th DECEMBER, 2025.**

JUDGMENT : (Per : Nandesh S. Deshpande, J.)

1. Heard. Admit. Heard finally by consent of learned
counsel appearing for the parties.

2. This is an application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the First Information Report No.153/2025, registered with Police Station Civil Lines Akola, District Akola for the offence punishable under Section 75(2) of the Bharatiya Nagarik Nyaya Sanhita, 2023 and the Charge-sheet No.182/2025, registered as Regular Criminal Complaint No.814/2025.

3. As per the contents of the First Information Report lodged by the respondent No.2, the respondent No.2 is a student residing in Akola and on 29.4.2025 in the afternoon she received a phone call from the applicant inquiring her whether she would be coming for the tuition classes. When she went to the tuition classes her friends went for appearing in exams whereas the respondent No.2 again received a phone call from the applicant asking her she wanted to meet him. It is further stated in the First Information Report that the applicant picked up respondent No.2 and went to his apartment and, thereafter held her hand. The applicant asked respondent No.2 for having physical relations with him which the respondent No.2 refused. It is on this allegations the First Information Report in question is lodged. The said First Information Report and the consequent charge-sheet is challenged in the present application on the grounds as stated in the

application.

4. We have heard Mr. Zeeshan Z Haq, learned counsel for the applicant, Mr. A.J. Gohokar, learned Additional Public Prosecutor for the respondent No.1 and Ms. Aparna M. Telange, learned counsel for the respondent No.2.

5. Learned counsel for the applicant as also learned counsel for respondent No.2 points out that there is an affidavit filed by the respondent No.2 stating therein as under :

“2. It is pertinent to mention here that the Applicant no.1 and the present Non-Applicant No. 2 are both students who have appeared for NEET examination. Both the Applicant and Non Applicant No. 2 are acquainted with each other. That due to some misunderstanding present FIR came to be lodged. Upon intervention by their family members and considering the fact that, both of them are young and have an entire life ahead of them. It is decided that Non-Applicant No. 2 does not wish to proceed further upon the complaint made by her. It is also decided that Applicant would restrain from making any contact personally or phone with the Non-Applicant No. 2 hereinafter.

3. That as mentioned, in view of settlement the Non-Applicant No.2 is not keen on prosecuting the Applicant further, considering larger interests of justice, the Non-Applicant No.2 has no objection if the First Information Report and the incidental proceedings thereto are quashed owing to the settlement arrived at amongst the parties.

4. It is submitted that, the offences neither amounts to moral depravity nor is a heinous crime. Thus, it would be apposite to quash the proceedings against the Applicant especially given that the parties have found equitable grounds to settle the matter among themselves by compromising.”

6. In view of these facts, learned counsel for the parties state that the First Information Report in question be quashed looking at the state of affairs as stated in the above affidavit.

7. We have carefully perused the charge-sheet as also we are aware of the facts that the parties to the matter have settled the dispute between themselves. On 11.12.2025 the applicant as well as respondent No.2 were present and we have verified the contents of the settlement and they have agreed that the settlement has been arrived into between them.

8. The offence under Section 65 of the Bharatiya Nyaya Sanhita, 2023 speaks about sexual harassment and states that the man committing any of the acts as stated in sub-Section (1) would be guilty of the offence of sexual harassment and sub-Section (2) provides for punishment thereof. It is true that the offence punishable under Section 65 is cognizable, non-bailable and non-compoundable. However, as held by the Hon'ble Supreme Court in the case of **Gian Singh Vs. State of Punjab and another**, reported in **MANU/SC/0781/2012**, is relevant herein, wherein the Hon'ble Apex Court is observed that "Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and 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.” The same ratio has laid down by the Hon’ble Apex Court in the case of **Naushey Ali and others Vs. State of U.P. and another**, reported in (2025)4 SCC 78 when the High Court exercises power under Section 482 of the Criminal Procedure Code, in respect of offences which are non-compoundable as per Section 320 of the Criminal Procedure Code, it does so only to see to it that the process of Court is not abused and the ends of justice are secured.

9. As stated above, the matter between the parties stands compromised a fact which is verified by us as stated above. Thus, no useful purpose would be served to continue the prosecution against the applicant since even though the offence being non-compoundable has now been settled and, therefore, to bring quietus to the dispute, we think it fit to exercise power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. We, therefore, pass the following order :

ORDER

(i) The application is allowed.

(ii) The First Information Report No.153/2025, registered with Police Station Civil Lines Akola, District Akola for the offence punishable under Section 75(2) of the Bharatiya Nagarik Nyaya Sanhita, 2023 and the Charge-sheet No.182/2025, registered as Regular Criminal Complaint No.814/2025 is quashed and set aside.

(iii) The application is disposed of.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)