



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

CRIMINAL APPLICATION (APL) NO. 725 OF 2025

(Atul Raju Dongre & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station
Jaripatka, Nagpur & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Gursharan Singh, Advocate for the Applicants.

Ms. Sneha Dhote, APP for the Non-applicant No.1/State.

Mr. C.S. Maskare, Advocate h/f Mr. S.G. Karmarkar, Advocate for the
Non-applicant No.2.

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

DATED : 14th OCTOBER, 2025

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No. 505/2022 registered with Police Station, Jaripatka Nagpur for the offence punishable under Sections 376(2)(n), 377, 498-A, 494, 294, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The Applicant No.1 is the husband and Applicant Nos. 2 to 7 are the family members of the Applicant No.1 and in-laws of the Informant. The crime is registered on the basis of the report lodged by the Informant on an allegation that her marriage was performed with the Applicant No.1 on 08.05.2017. After marriage she resumed the cohabitation at the house of the present Applicants. When she was cohabiting with the present Applicants, the present Applicants illtreated for various reasons and the Applicant Nos. 2 to 7 used to

instigate her husband, and therefore, he illtreated her by abusing and assaulting her. She further alleged that, the Application for dissolution of marriage was pending. The Applicants have subjected her for forceful sexual assault. On the basis of the said report Police have registered the crime against the present Applicants.

3. During investigation the statements of various witnesses were recorded and the medical examination of the Victim was carried out. After completion of the investigation the charge-sheet was filed against the present Applicants.

4. During the pendency of this Application, the Applicants and the Non-applicant No.2 both arrived at a settlement and they have also filed the settlement terms on record. They have also filed the settlement terms before the Family Court, Nagpur. The settlement terms were already recorded by the Family Court. In view of the same, the Applicants prayed for quashing of the FIR.

5. Learned APP strongly opposed for the same on the ground that the offence under Section 376 of IPC is not compoundable and it is against the society, and therefore, the Application deserves to be rejected.

6. The learned Counsel for the Non-applicant No.2 supported the said contention.

7. On perusal of the entire charge-sheet, as far as the allegation that she was subjected for forceful sexual assault, is not supported by any other evidence except there is no material on record to show that she was subjected for forceful sexual assault by the Applicants during the pendency of the

Application for dissolution of marriage. As far as the other allegations are concerned, which are general in nature. Moreover, now the parties have already arrived at a settlement and the parties are verified on the contents of the settlement terms.

8. At this stage, the observations of the Hon'ble Apex Court in the case of ***Gian Singh Vs. State of Punjab, reported in (2012) 10 SCC 303***, wherein the Court observed 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.

9. In the light of the above observation of the

Hon'ble Apex Court if the facts of the present case are considered, admittedly the allegation regarding the sexual assault is concerned are not made out. As far as the other offences are concerned which are arising out of the matrimonial dispute.

10. In view of the observation of the Hon'ble Apex Court in the case of State of ***State of Haryana & Ors. Vs. Bhajan Lal & Ors., 1992 Supp.(1) SCC 335***, wherein following principles / guidelines are laid down by the Hon'ble Apex Court for consideration of the application under Section 482 of Cr.P.C.

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

11. In view of the above observations, the Application deserves to be allowed. Accordingly, we proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The First Information Report bearing Crime No. 505/2022 registered with Police Station, Jaripatka Nagpur for the offence punishable under Sections 376(2)(n), 377, 498-A, 494, 294, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequent proceedings arising out of the same bearing Sessions Case No. 472/2024, are hereby quashed and set aside.

12. Pending application/s, if any, shall stand disposed of accordingly.

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