



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

CRIMINAL APPLICATION (APL) No.1246 OF 2025

(Abhisekh s/o. Ravishankar Patel and others Vs. State of Maharashtra, through PSO, PS
Amgaon, Distt. Gondia and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.G. Karmarkar, Advocate for applicants.
Smt. Sneha Dhote, APP for non-applicant No.1.

CORAM : **URMILA JOSHI-PHALKE AND**
NANDESH S. DESHPANDE, JJ.
DATE : **17th SEPTEMBER, 2025.**

1. Present application is preferred by the applicants for quashing of First Information Report in connection with Crime No.320/2022, dated 8.11.2022 registered for the offence punishable under Sections 376, 377, 341, 323, 498A, 504 read with 34 of the Indian Penal Code and the Sessions Case No.86/2023 arising out of the same.

2. As per the contentions of the applicants crime is registered against the present applicants on the basis of report lodged by the informant, who is the wife of the applicant No.1, on an allegations that her marriage was performed with applicant No.1 on 19.11.2021. The applicant No.2 is father-in-law, applicant No.3 is mother-in-law, applicant No.4 is brother-in-law and applicant No.5 is sister-in-law. After she resumed co-habitation, she was ill-treated by the present applicants, her husband was abroad at the relevant time. It is her further allegations that he subjected her for sexual assault

unnaturally. On the basis of the said report Police have registered the crime against the present applicants.

3. During the pendency of this application both parties arrived at settlement. Learned counsel for the applicants submitted that as far as the allegations regarding the sexual assault is concerned it is not substantiated by any material. In view of the settlement, they have already filed Hindu Marriage Petition bearing No.192/2025 wherein the settlement terms are reproduced. As per the settlement terms the petitioner No.1 shall pay Rs.11,20,000/- and the petitioner No.2 i.e. respondent No.2 here shall accept the said amount towards full and final settlement amount and she undertake not to claim past, present or future maintenance in any manner whatsoever. The respondent No.2 shall not claim any maintenance or share in the property of the petitioner No.1 at any time in future. It is further agreed that out of Rs.11,20,000/- the petitioner has paid Rs.1,00,000/- as advance by transferring the said amount in the account of respondent No.2 and respondent No.2 acknowledged to have received the said amount. The remaining amount of Rs.10,20,000/- is being deposited in the Court and she will be at liberty and permitted to withdraw the said amount after passing of decree of divorce on mutual consent. There is no dispute as regards exchange of other articles and nothing is to be exchanged by the petitioners. The petitioners shall not file any civil, criminal or any other proceedings against each other. In view of the said settlement, it was decided to withdraw the proceeding pending before the various Courts.

4. Both parties are present before the Court. The terms of settlement are agreed and accepted by them. As far as the allegations regarding sexual assault are concerned which admittedly not supported by any medical evidence which is collected during the investigation is concerned. Moreover, that allegation is vague in nature. No specific instances are narrated by the informant in the first information report.

5. In view of the observations of the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab and another**, reported in **2012(10) SCC 303**, wherein the Hon'ble Apex Court observed that *"Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although 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 the offences arising out of matrimony, *particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and 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 F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall*

be defeated.

6. In view of the above observations, admittedly the dispute between the parties in the present case is a family dispute and in the nature of a matrimonial dispute which now both the parties have settled amicably. However, on the basis of first information report lodged by the informant the entire machinery was set in motion and they have spent their valuable time in the investigation and, therefore, the application deserves to be allowed, subject to costs of Rs.40,000/-.

7. In view of that, we proceed to pass following order :

ORDER

(i) The application is allowed.

(ii) The First Information Report in connection with Crime No.320/2022, registered under Sections 376, 377, 341, 323, 498A, 504 read with 34 of the Indian Penal Code and the Sessions Case No.86/2023 are hereby quashed and set aside, subject to costs of Rs.40,000/-.

(iii) The applicants shall pay costs of Rs.40,000/- within two weeks and said costs shall be paid to the Nagpur Police Welfare Fund, Nagpur.

(iv) The application is disposed of in the abovesaid terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)