



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 1294/2025

1. FAIZAN S/O. IQBAL SHEIKH, Age: 25
years, Occupation: Student, R/O. Plot No.
18, Subhan Nagar, H.B. Town Chowk, Pol.
St. Kalamna, Nagpur
2. IQBAL S/O. ABDUL RAFIK SHIEKH,
Age: 52 years, Occupation: Auto Driver,
R/O. Plot No. 18, Subhan Nagar, H.B.
Town Chowk, Pol. St. Kalamna, Nagpur
3. BADRUN NISA W/O. IQBAL SHEIKH,
Age: 48 years, Occupation Housewife,
R/O. Plot No. 18, Subhan Nagar, H.B.
Town Chowk, Pol. St. Kalamna,

... APPLICANTS

...VERSUS...

1. STATE OF MAHARASHTRA,
Through P.S. Officer Kalamna Police Station,
Dist. Nagpur.
2. NANDINI RAHUL GANVIR,
Age: 24 Years, R/o. Nagsena Nagar, Near
Buddha Vihar, Modipadav, Kamptee,
Nagpur. 441001

...NON-APPLICANTS

Shri. Nazim Qureshi, Advocate for applicants
Shri N.B. Jawade, APP for non-applicant No.1/State
Shri Z.Z. Haq, Advocate for non-applicant No.2

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

RESERVED ON : 23.09.2025
PRONOUNCED ON : 08.10.2025

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

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

2. This is an application under Section 482 of the Criminal Procedure Code (for short 'Cr.P.C.'), for quashing and setting aside First Information Report (for short 'FIR') bearing Crime No. 0297/2025, registered with the Non-Applicant No.1-Kalamna Police Station, Nagpur on 13/04/2025 for offences punishable under Sections 69, 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita r/w Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(2)(v), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SCST Act'). The applicant further prays for quashing and setting aside charge-sheet No. 146/2025, filed in Special Case No. 408/2025, pending before the learned Additional Session Judge - 11 and Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The non-applicant No.2 lodged FIR with the applicant No.1 for the offences mentioned above. As per the said FIR, the complainant and the present applicant No.1 were studying together in J.D. Engineering College and were classmates. It is further alleged that since 2021, they were acquainted with each other and during the said acquaintance, the applicant No.1 forced himself on the non-applicant No.2 and had established physical relationships with her on the pretext of getting married. It is further stated in the FIR that the complainant met the family of the applicant No.1 and the family members told that in order to marry the applicant No.1 she will have to embrace Islam. It is further stated that the applicant No.1 blackmailed the complainant with a video and the mother of the applicant No.1, i.e. the applicant No.3 abused her. On the basis of these allegations, an offence was registered against the applicants and the said FIR was challenged in the present application.

4. We have heard Shri Nazim Qureshi, learned Counsel for the applicants, Shri N.B. Jawade, learned Additional Public Prosecutor for the non-applicant No.1/State and Shri Z.Z. Haq, learned

Counsel for the non-applicant No.2.

5. Learned Counsel for the applicants states that a meaningful reading of the FIR in question would reveal that the applicant No.1 as also non-applicant No.2, were in a consensual relationship and both being adult and major they are very well aware of the consequences of entering into such relationship before marriage. It is his submission that there was no promise to marry much less at the inception of the relationship and, therefore, no offence is made out.

6. On the other hand, Shri N.B. Jawade, learned Additional Public Prosecutor for non-applicant No.1/State submits that the averments in the FIR are sufficient enough to make out an offence mentioned in the same.

7. Shri Z.Z. Haq, learned Counsel for non-applicant No.2 also supports the learned Additional Public Prosecutor and states that the matter has been amicably settled and, therefore, there is no objection for quashing.

8. In the backdrop, of these facts we have perused the averments made in the FIR, as also the charge-sheet filed by the prosecution after investigating the offence. As can be seen from the FIR in question, the complainant i.e. the non-applicant No.2, is aged 24 years and the applicant No.1 is aged 25 years. It is thus clear that both of them are adult and major. The alleged incidents are ranging from 2021 onward, while the FIR is lodged on 13.04.2025. From the meaningful reading of the FIR in question, it can be seen that both of them out of their own volition and free will entered into a relationship which continued for almost four years. Now, in the present matter the non-applicant No.2 has by way of an affidavit stated as under :

“It is pertinent to mention here that the applicants and non applicant no. 2 have amicably settled the matter and that the allegations charged upon the applicants were because of the misunderstanding, and that the non-applicant no. 2 wants to make amends and by the present reply, stating that she does not wishes to continue the prosecution against the applicants.”

9. In view of these averments made in the affidavit, we have verified the contents from the parties who were present before us on 23.09.2025. The applicants as also the non-applicant No.2 have

admitted that they have amicably settled the matter without any fear or favour from anybody.

10. True it is that offences complained are non-bailable in nature, however, in the celebrated judgment in the case of ***Gian Singh Vs. State of Punjab, 2012 (10) SCC 303***, the Hon'ble Apex Court has held that even non-compoundable offences can be quashed by this Court, by resorting to its power under Section 482 of the Criminal Procedure Code, if the contingency mentioned therein are present in the matter. The continuation of criminal proceedings would be an exercise in futility in view of the facts stated herein before. Further, in the case of ***State of Haryana and others Vs. Bhajanlal and others, 1992 Supp (1) SCC 335***, and more particularly paragraph No.102 in paragraph 7, the Hon'ble Apex Court has clearly held that the continuance of further criminal trial would amount to an abuse of process of the Court and there are no chances of conviction.

11. In view of that, we are of the opinion that continuing the proceedings further against the applicants would be an exercise of futility and, therefore, we quash and set aside the FIR and charge-

sheet. Accordingly, we proceed to pass following order :

ORDER

- i) The application is allowed.
- ii) The First Information Report bearing Crime No. 0297/2025, registered with the non-applicant No.1-Kalamna Police Station, Nagpur dated 13.04.2025, as also, consequent charge-sheet No.146/2025, filed in Special Case No. 408/2025, pending before the learned Additional Session Judge- 11 and Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), for offences punishable under Sections 69, 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita r/w Section 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(2)(v), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are hereby quashed and set aside.

12. The application is disposed of.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..