



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

CRIMINAL APPLICATION (APL) No.1534 OF 2025

Shri Kailas Jagdeorao Sawant,
Aged about 51 years,
Occu.: Assistant Teacher,
R/o. Karmula, Post Taroda,
Tah. Umarkhed, Distt. Yavatmal. : APPLICANT

...VERSUS...

1. The State of Maharashtra,
Through The Police Station Officer,
Police Station, Umarkhed,
Tah. Umarkhed, Dist. Yavatmal.
2. Sangita wd/o. Subhashrao Shinde,
Aged about 50 years,
Occu. Household,
R/o. Sai Shraddha Nagar,
Umarkhed, Tah. Umarkhed,
Dist. Yavatmal. : NON-APPLICANTS

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Mr. Vaibhav W. patre, Advocate for Applicant.
Mrs. Sneha Dhote, Additional Public Prosecutor for Non-applicant No.1.
Mr. Abhishekh Zade, Advocate for Non-applicant No.2.

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CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
RESERVED ON : 14th OCTOBER, 2025.
PRONOUNCED ON : 04th NOVEMBER, 2025.

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

1. Heard. Admit. Heard finally by consent of learned

counsel appearing for the parties.

2. The applicant has approached this Hon'ble Court by filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the First Information Report dated 16.08.2025, registered as Crime No. 0582/2025 at Police Station Umerkhed, District Yavatmal, for the offences punishable under Sections 75(1)(i), 75(1)(ii), 78(1), and 329(4) of the Bharatiya Nyaya Sanhita, 2023. The applicant has further prayed to direct the Non-applicant No. 1 not to file Chargesheet/Final Report in the Crime No.0582/2025 dated 16.08.2025.

3. It is the case of the non-applicant No. 2, and as per the contents of the First Information Report, that on 29.07.2025, the non-applicant No.2 visited her acquaintance, namely, Smt. Prema Patange, at her residence. At that time, the non-applicant No. 2 met the applicant for the first time. It is further alleged in the First Information Report that the applicant obtained the mobile number of the non-applicant No. 2 from the said Prema Patange and subsequently contacted her, inquiring whether he could visit her residence to meet her. The non-applicant No. 2, however, warned the applicant against coming to her house and disconnected the

call.

4. It is further stated in the complaint that despite the said warning, on 03.08.2025, at about 03:30 p.m., the applicant visited the residence of the non-applicant No.2 and made an indecent proposal by offering the money to non-applicant No.2 in exchange for sexual favours. Upon this, the non-applicant No.2 objected to his behaviour and asked him to leave, thereafter the applicant left the premises.

5. It is further alleged that on 10.08.2025, at around 01:00 p.m., the applicant once again visited the house of the non-applicant No.2 and reiterated his indecent demands. At that time, the brother-in-law of the non-applicant No.2, namely Kailas Dattarao Shinde, was present at the residence. He reprimanded the applicant and drove him away from the premises. It is the case of the non-applicant No.2 that, as the applicant had behaved indecently with her, she has lodged the present First Information Report. It is this First Information Report that is challenged in the present application.

6. We have heard Mr. Vaibhav W. Patre, learned counsel for the applicant, Mrs. Sneha Dhote, learned Additional Public Prosecutor for the non-applicant No.1/State, and Mr. Abhishek

Zade, learned counsel for non-applicant No.2.

7. The learned Counsel for the applicant submits that the First Information Report came to be registered by the non-applicant No. 2 under a misconception, and that the said non-applicant No.2 has now agreed to withdraw the said complaint. It is further submitted that the applicant is serving as an Assistant Teacher and enjoys a good reputation in society. No criminal case has ever been registered against him prior to the present First Information Report. The Learned Counsel further submits that the applicant had visited Umerkhed on 10.08.2025 for some personal work, during which he met his cousin's wife, namely Smt. Prema Patange, who invited him to her residence for tea. At her residence, the applicant met the non-applicant No.2 for the first time. It is stated that the non-applicant No.2 informed the applicant about a person who was allegedly selling gold at a low price, and in that context, the applicant and non-applicant No. 2 exchanged their contact numbers.

8. It is further submitted that the non-applicant No.2 later called the applicant to inform him that the said gold seller would be visiting her residence on 10.08.2025. Acting on this information, the applicant visited the house of the non-applicant No.2. Upon his

arrival there, the brother-in-law of the non-applicant No. 2, namely, Kailas Dattarao Shinde, clicked a photograph of the applicant sitting inside the house. The applicant immediately left the premises thereafter.

9. It is further submitted that on 16.08.2025, the applicant came to know that a First Information Report had been lodged against him by the non-applicant No.2, and he has been falsely implicated. On learning about the said report, the applicant preferred an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail before the Learned Ad-hoc District Judge-1 and Additional Sessions Judge, Pusad, District Yavatmal. The said application was allowed, and pre-arrest bail was granted to the applicant vide order dated 04.09.2025.

10. It is further submitted that the applicant and non-applicant No.2 are related to each other, and upon realizing her mistake, the non-applicant No.2 executed a settlement on 18.09.2025, acknowledging that the present First Information Report was lodged due to a misunderstanding, and that the non-applicant No.2 no longer has any grievance against the applicant. The Learned Counsel, therefore, prays that, in view of

the aforesaid settlement and in the absence of any subsisting dispute between the parties, further continuation of the criminal proceedings would amount to an abuse of the process of law, and accordingly, the present First Information Report be quashed.

11. In the backdrop of these submissions, we have perused the First Information Report alleging commission of offences punishable under Sections 75(1)(i), 75(1)(ii), 78(1), and 329(4) of the Bharatiya Nyaya Sanhita, 2023.

12. However, during the pendency of the instant application, the parties, i.e., the applicant and the non-applicant No. 2, have filed a joint affidavit in which it is stated as under :

“3. The dispute between the applicant and non-applicant No.2 is amicably settled, and she is having no objection to quash the F.I.R. lodged by her against applicant. Considering the fact that, the non-applicant No.2, is not inclined to go on with the prosecution. The allegations made by the non-applicant No.2 in the report were made out of the frustration and anger. Therefore, the applicant and non-applicant No.2 have decided to settle the matter and grievance against each other amicably. The continuation of trial would amount to an abuse of process of law.

4. The non-applicant No.2 states that the report was lodged due to misunderstanding, under anger and frustration. Both the parties have agreed that they have no grievance or grudge against each other as they have compromised the dispute between each-other. Therefore, the non-applicant No.2 states that she has no objection, if this Hon’ble Court set asides

and quashes the impugned F.I.R. No.582/2025 dated 16.08.2025 registered for the offences punishable under Sections 75(1)(i), 75(1)(ii), 78(1), 329(4) of the Bharatiya Nyaya Sanhita, 2023, to allow the present application.

5. The applicant and non-applicant No.2 is filing present affidavit out of there free will, wish and without any coercion or force or duress and after having understood the contents therein in a vernacular language.”

13. We have verified the content from the parties who have been identified by their respective counsels.

14. The offenses complained of are non-bailable in nature. However, as laiddown by the Hon’ble Apex Court in the Judgment of **Gian Singh Vs. State of Punjab and another**, reported in **(2012) 10 Supreme Court Cases 303**, the nature of the offense, being bailable or non-bailable, would not make any difference for the exercise of inherent powers of the High Court under Section 528 of the Bharatiya Nyaya Sanhita, 2023. In the said judgment, it is held as under :

“61.....Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline 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.”

15. In that view of the matter, we are of the considered view that no fruitful purpose would be served by continuing the present criminal proceedings against the present applicants. Moreover, the allegations in the First Information Report, taken at their face value, do not constitute any offense, much less as mentioned in the First Information Report.

16. However, the entire police machinery was put in motion at the behest of the non-applicant No. 2 and the applicant. It would therefore be equitable to impose costs on both of them.

17. We therefore pass the following order :

ORDER

(i) The Application is allowed.

(ii) The First Information Report vide Crime No. 0582/2025 dated 16.08.2025, for offenses punishable under Sections 75(1)(i), 75(1)(ii), 78(1), and 329(4) of the Bharatiya Nyaya Sanhita, 2023, filed by the non-applicant No. 2 against the applicant, is hereby quashed.

(iii) The applicant, as also the non-applicant No.2, to pay the cost of Rs.15,000/- each.

(iv) The applicant is to pay the cost to the Library of the High Court Bar Association, Nagpur and non-applicant No.2 is to pay the cost to the High Court Legal Services Sub-Committee, Nagpur within two weeks from the date of this order, and the compliance be reported to this court.

(iv) The application is disposed of accordingly.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

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