



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

CRIMINAL APPLICATION (APL) No.1535 OF 2025

(Ashu s/o.Ramrao Kotangale and others Vs. State of Maharashtra, through PSO, PS
Gittikhadan, Nagpur 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. A.J.Mirza, Advocate for applicants.
Ms. Sneha Dhote, APP for respondent No.1.
Mr. S.C.Chokhandre, Advocate for respondent No.2.

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

DATE : 14th OCTOBER, 2025.

1. The present application is preferred by the applicant for quashing of the First Information Report in connection with Crime No.352/2025, registered under Sections 85, 115(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The applicant No.1 is husband, applicant No.2 is brother-in-law and applicant No.3 is mother-in-law. The crime is registered on the basis of report lodged by the informant respondent No.2 on an allegations that her marriage was performed with present applicant No.1 on 26.5.2008. After marriage she resumed the cohabitation. She is having two children from the said wedlock. However, she is ill-treated by present applicants for various reasons. 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 a settlement and now respondent No.2 is residing

along with applicant No.1. They both are present before the Court and states that they have no complaint against each other. According to them, they are living happy married life.

4. In view of the settlement and the facts are verified from both applicant as well as respondent No.2. In view of the decision of the Hon'ble Apex in the case of **Gian Singh Vs. State of Punjab and another**, reported in **MANU/SC/0781/2012**, is relevant herein, wherein it 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 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 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** wherein also the Hon'ble Court observed that "the proceeding with the trial when the parties have amicably resolved the dispute would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings."

5. In view of the observations of the Hon'ble Apex

Court as parties came together and decided to reside together, there is no purpose with proceeding of trial.

6. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order :

ORDER

(i) The application is allowed.

(ii) First Information Report in connection with Crime No.352/2025, registered under Sections 85, 115(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and consequent proceeding arising out of same R.C.C.No. 3085/2025, pending before the 7th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class (Court No.10), Nagpur is hereby quashed and set aside.

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

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)