



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

CRIMINAL APPLICATION (APL) No.1559 OF 2025

(Pravin Bhauraoji Chendkapure and another Vs. State of Maharashtra, through PSO, PS
Frezarpura, Amravati 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. R.J. Shinde, Advocate for applicants.
Mr. Nikhil Joshi, APP for respondent No.1.

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

1. Heard Mr. R.J. Shinde, learned counsel for the applicants and Mr. Nikhil Joshi, learned Additional Public Prosecutor respondent No.1.
2. Vide order dated 15.10.2025 both learned counsels requested the Registrar (Judicial) to verify the authenticity as well as identity of the parties and submit the report to this Court.
3. The Registrar (Judicial) has submitted a report on 3.11.2025 stating that the applicant No.1 as well as respondent No.2 (first informant) identified the respective signatures in the joint compromise Pursis/affidavit. It is also stated that they have confirmed the contents of the joint compromise Pursis/affidavit to be true and correct.
4. In this matter the Offences are punishable under Sections 376(2)(n), 323, 504 and 506 read with Section 34 of the Indian Penal Code. The Joint compromise Pursis with

affidavit is already filed by the non-applicant No.2 and the contents of which are verified by the Registrar (Judicial). Thus, it can be safely stated that the matter has been compromised between the parties. True, it is that the offence punishable under Section 376(2)(n) is non-compoundable in nature. However, as stated by the Hon'ble Supreme Court in the Judgment of the **Gian Singh Vs. State of Punjab and another, reported in 2012(10) SCC 303**, wherein the Hon'ble Supreme Court 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."

5. In the backdrop of these submission, we have perused the First Information Report and the charge-sheet. As can be seen from the said charge-sheet the First Information Report in question is lodged by the non-applicant No.2 and at the time of committing of alleged offence was 28 years of age and now she is 32 years of age. The applicant is shown to be 43 years of age. Thus, it can be seen that both the persons are adult, major and are able to understand the consequences of any act or omission to be done by them.

6. We have appreciated the controversy involved in the present matter, in the backdrop of these facts. In the conspectus of these facts and in view of the fact that the parties have amicably settled the matter, in our view, no fruitful

purpose would be served in continuing the criminal prosecution against the applicant. We are, therefore, of the view that in view of dictum of the Hon'ble Apex Court in the judgment of *Gian Singh* (supra) continuance of the criminal prosecution would be an exercise of futility. We, therefore, pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The Proceeding bearing Sessions Case No.99/2023, pending before the District Judge-3, Amravati in Charge-sheet No.227/2019 arising out of First Information Report in Crime No.1092/2018 for the offence punishable under Sections 376(2)(n), 323, 504 and 506 read with Section 34 of the Indian Penal Code is quashed and set aside against the applicants.
- (iii) The application is disposed of in above terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)