



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

CRIMINAL APPLICATION (APL) No.1588 OF 2025

(Deepak s/o. Mahadev Vasandani and others Vs. State of Maharashtra, through PSO, PS
Hudkeshwar, 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. Sahil Dewani, Advocate for applicants.
Mr. N.B. Jawade, APP for non-applicant No.1.
Mr. Kabir Kalidas, Advocate for non-applicant No.2.

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

DATE : 17th OCTOBER, 2025.

1. Heard Mr. Sahil Dewani, learned counsel for the applicants, Mr. N.B. Jawade, learned Additional Public Prosecutor for the non-applicant No.1 and Mr. Kabir Kalidas, learned counsel for non-applicant No.2.

2. This is an application seeking to quash and set aside the First Information Report bearing No.451/2018 dated 1.8.2018 and charge-sheet which has culminated into R.C.C. No.177/2019 pending before the 8th Joint Civil Judge, Junior division and Judicial Magistrate, First Class, Nagpur for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code as well as under Sections 13,14, 3,4 & 8 of the Maharashtra Apartment Ownership Act, 1963. As can be seen from the application the parties to the matter have compromised the same and consent terms have been filed on record.

3. Parties to the matter are present and we have verified the consent terms from the respective parties, who

have identified by their counsels. The relevant portion of the consent terms are as under :

5. That, Complainant willfully agrees to withdraw the instant complaint filed before this Hon'ble Court. That, the parties have agreed that this settlement/consent terms are based on mutual understanding without any threat or pressure of whatsoever nature from anybody else, and the terms and conditions mentioned in the consent terms are binding upon the parties forever.

6. That, both the parties have voluntarily agreed and execute this consent terms.

4. 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 High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any

likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

5. However, the entire Police machinery and Court machinery is used and they have to spare their time for investigation and for the trial. In view of that, the application deserves to be allowed. Hence, we proceed to pass following order :

ORDER

(i) The application is allowed, subject to payment of costs of Rs.20,000/- each by the applicants to be paid to the High Court Gazetted Officers Society, Nagpur, while Rs.20,000/- to be paid by the non-applicant No.2 to the Vidarbha Lady Lawyers Association, High Court, Nagpur, within a period of two weeks and compliance of payments of costs be reported to this Court.

(ii) The First Information Report bearing No.451/2018 dated 1.8.2018 and the Charge-sheet which has culminated into R.C.C. No.177/2019, pending before the 8th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Nagpur for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code as well as under Sections 13,14, 3,4 & 8 of the Maharashtra Apartment Ownership Act, 1963, is quashed and set aside.

(iii) The application is disposed of.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)