



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

CRIMINAL APPLICATION (APL) NO. 1633 OF 2025

(Shri Vinod S/o Santosh Hasani & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station Bajaj
Nagar, Nagpur & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. K.N. Shukul, Advocate a/w Mr. G. Khatwani, Advocate for the Applicants.
Mr. Neeraj Jawade, APP for the Non-applicant No.1/State.
Mr. K.P. Mahalle, Advocate for the Non-applicant No.2.

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

DATED : 13th NOVEMBER, 2025

1. In pursuance to the order dated 03.11.2025, the Registrar (Judicial) has placed the report before us, wherein it is stated that the Applicants have informed that they know and agreed to the contents of the reply affidavit which is filed by the Non-applicant No.2, which is already on record. The Non-applicant No.2 identified his signature on reply affidavit filed before us. It is obvious that the parties have entered into a compromise out of their own will.

2. The First Information Report which is challenged in the present Application bearing Crime No.339/2025 for the offences punishable under Sections 125, 126(1), 287, 329(1), 324(1), 326(f), 326(g) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023. Out of the above offences, offence

under Section 326(g) is non-bailable and other offences are bailable. The parties are present before us and they are represented by their respective Counsel. We have also perused the reply affidavit filed on behalf of the Non-applicant No.2 and the relevant averments in the reply affidavit are reproduced as under:

“6. I further state that the Applicants and I have entered into a full and final mutual settlement, resolving all disputes and misunderstandings arising out of the unfortunate fire incident and the subsequent FIR. I have satisfied myself that the criminal culpability for the unauthorized construction and negligent storage of combustible material does not lie with the Applicants.

7. In view of the complete and amicable settlement and the clarification of facts, I state that I have no objection whatsoever if this Hon'ble Court is pleased to exercise its inherent powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and quash the FIR bearing No. 0339/2025, and all consequential proceedings arising therefrom, insofar as it pertains to the present Applicants only.

8. I declare that this Affidavit has been made voluntarily, without any coercion, threat, or undue influence, and solely for the purpose of assisting the Hon'ble High Court in resolving the matter amicably and quashing the criminal proceedings against the present Applicants.”

3. Further more as stated supra, the contents of the reply affidavit and identities of the parties has also been affirmed by the Registrar (Judicial).

4. At this stage, the observations of the Hon'ble Apex Court in the case of ***Gian Singh Vs. State of Punjab, reported in (2012) 10 SCC 303***, wherein the Court observed that

where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the 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 offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the 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. In *Naushey Ali Vs. State of U.P. reported in (2025) 4 SCC 78*, the Hon'ble Apex Court has 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. It would be a grave abuse of process particularly when the dispute is settled and resolved.

6. Even though one of the offence is non-compoundable one, that would not deter us from

exercising our inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. In view of the same, the Application deserves to be allowed. Accordingly, we proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The First Information Report bearing Crime No. 339/2025 registered with Police Station Bajaj Nagar, Nagpur City for the offence punishable under Sections 125, 126(1), 287, 329(1), 324(1), 326(f), 326(g) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, is hereby quashed and set aside to the extent of the present Applicants.

7. Pending application/s, if any, shall stand disposed of accordingly.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)