



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

CRIMINAL APPLICATION (APL) NO. 1740 OF 2025

1. **Hanmanth Virbhadra Swami,**
Aged about 28 years,
Occ.- Private work,
R/o C/o Swami Virbhadra, Gokul
Nagar, At Ratnali Taluka,
Dharmabad PO Dharmabad,
Dist. Nanded

// V E R S U S //

1. **State of Maharashtra,**
Through Police Station Officer,
Police Station, Beltarodi,
Tq. & Dist. Nagpur
2. **Gangutai Shankar Patve,**
Aged about 56 years,
Occ.: Household,
R/o Plot No.42, Dwarkamai Niwas,
near Gaikwad Aata Chaki,
Shyamnagar, self House at New
Manish Nagar, Beltarodi, Nagpur

NON-APPLICANTS

Mr. Y.P. Bhelande, Advocate for the applicant.
Mrs S.V. Kolhe, APP for non-applicant No. 1/State.

CORAM : URMILA JOSHI PHALKE, J. AND
NANDESH S. DESHPANDE, JJ.
DATED : 27.11.2025

O R A L J U D G M E N T : (PER : URMILA JOSHI PHALKE, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.

3. The present application is preferred by the applicant for quashing of the First Information Report in connection with crime No.470/2025 registered under Sections 117(2), 118(1), 324(4), 115(2), 351(3), 352, 333, 326(f) and 326(g) of the Bharatiya Nyaya Sanhita, 2023.

4. Crime is registered on the basis of the report lodged by non-applicant No.2 on an allegation that there was a dispute between the applicant and her on account of pensionary benefits of the grand mother and on that count allegedly present applicant has caused loss by fire to the household articles. On the basis of the said report police have registered the crime.

5. During pendency of this application both the parties arrived at settlement. Non-applicant No.2 has filed affidavit in support of her contention that the First Information Report is lodged inadvertently. Now issue is settled amicably. She has no grievance against the present applicant. The applicant and non-

applicant No.2 are present before the Court. The contents of the affidavit are verified from the non-applicant No.2. She agreed and accepted the contents as well as applicant also submitted that now the dispute between him and non-applicant No.2 is settled. They are the family members.

6. Learned counsel for the applicant placed reliance on the decision of ***State of Madhya Pradesh Vs. Laxmi Narayan and ors.*** reported in 2019(4) Scale 200 wherein the Hon'ble Apex Court has considered the law on the point and other decision of the Apex Court as far as the application under Section 482 are concerned and observed that:-

“13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of

Corruption or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc.”

7. Admittedly the dispute is between family members in view of the observation of the Hon'ble Apex Court in the case of **Gian Singh vs State of Punjab** reported in (2012) 10 SCC 303 wherein the Apex 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.

8. In the light of the aforesaid facts the application deserves to be allowed.

9. In view of that we proceed to pass following the order:-

ORDER

(i) The Criminal Application is allowed.

(ii) The FIR in connection with crime No.470/2025 registered with non-applicant No.1 under Sections 117(2),

118(1), 324(4), 115(2), 351(3), 352, 333, 326(f) and 326(g) of the Bharatiya Nyaya Sanhita, 2023 is hereby quashed and set aside to the extent of present applicant.

9. The criminal application stands disposed of in the above said terms.

Rule accordingly.

Pending application, if any, also stands disposed of.

[NANDESH S. DESHPANDE, J] [URMILA JOSHI PHALKE, J.]

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