



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

CRIMINAL APPLICATION (APL) NO. 1999 OF 2025

1. Prashil S/o Sudhakar Rao Nagpure,
Aged about 39 Yrs., Occ: Private Job,
R/o. Near Curve House, Gokulpeth
Market, Near Priti Home Girls
Hostel, Nagpur-440010. (Husband)
2. Sarla W/o Sudhakar Nagpure,
Aged 62 Yrs., Occ. Housewife,
R/o Plot No. 43, Chintamani Nagar,
Nagpur. (Mother-in-law)
3. Prasanna S/o Sudhakar Rao Nagpure,
Age 40 Yrs., Occ. Private Job,
R/o Plot No. 43, Chintamani Nagar,
Nagpur. (Brother-in-law)
4. Prajakta W/o Tushar Wankhade,
Age 39 Yrs., Occ. Private Job,
R/o 14, Trimurti Nagar, Minakshi
Apartment, Nagpur. (Sister-in-law)
5. Tushar S/o Subhash Wankhade,
Age 40 Yrs., Occ. Private Job,
R/o 14, Trimurti Nagar, Minakshi
Apartment, Nagpur. (Son-in-law)
6. Pranoti W/o Prashant Dhawad,
Age 40 Yrs., Occ. Housewife,
R/o Plot No. 39, Juna Nandanvan,
Raksha Apartment, Nagpur.
(Sister-in-law)

APPLICANTS

Versus

1. The State of Maharashtra,
through Police Station Officer, Police
Station, Ajni, Nagpur
Crime No. 306/2013.

2. Sau. Vishakha @ Prapti W/o Prashil
Nagpure,
Aged about 36 Yrs., Occ. Advocate,
R/o. Bhagihari Villa, Lashkaribagh,
Qtr. No.17/23, Nagpur within the P.S.
Panchpaoli, Nagpur.
(Complainant/Wife)

NON-APPLICANTS

Mr. N.K. Bhangde, Advocate for the Applicants.
Mr. A.G. Mate APP for the Non-applicant No.1/State.
Mr. H. Meshram, Advocate for the Non-applicant No.2.

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

DATED : 22nd DECEMBER, 2025.

ORAL JUDGMENT :- (PER : NANDESH S. DESHPANDE, J.)

1. Heard.

2. **ADMIT.** Heard finally by the consent of learned
Counsel for the respective parties.

3. This is an application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Corresponding Section 482 of the Code of Criminal Procedure) challenging the FIR/Crime No.306/2013 dated 08.09.2013 for the offence punishable under Sections 498-A, 294, 506(B), 323 read with Section 34 of the Indian Penal Code and Sections 3(1)(10) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and consequent Criminal Case bearing Atro. Spl. Case No.18/2016 pending before the learned District Judge-13 and Additional Sessions Judge, Nagpur.

4. According to the report lodged by the Non-applicant No.2, the Applicant No.1 and Non-applicant No.2 are the husband and wife and their marriage was performed on 29.10.2012. The said marriage was a registered marriage. However, after the performance of said marriage it is alleged by the Non-applicant No.2 that, the Applicant No.1 instead of taking her to matrimonial home took her to a rented premises. It is further stated that, on 12.01.2013 when the Non-applicant No.2 came to reside with her in laws, all the Applicants including the Applicant No.1 started mentally harassing her on

one pretext or the other. It is further alleged that, the demand was made for amount of Rs. 5 Lakhs from the Applicants to the Non-applicant No.2. Since the demand was not fulfilled, there was physical and mental harassment caused to the Non-applicant No.2. It is further alleged that, on 07.09.2013, the Applicants abused the Non-applicant No.2 in a filthy language and drove her away out of the matrimonial house. It is of this allegation, the FIR is filed. On completion of the investigation, the charge-sheet has been filed by the Investigating Agency which is challenged in the present Application.

5. Heard learned Counsel for the Applicants and Non-applicant No.2, who submitted that, during the pendency of the present Application the matter has been amicably settled and in support of this fact they have filed a copy of Consent Terms which is marked as 'X' for the purpose of identification, entered between the parties before the Judge Mediator Family Court, Nagpur bearing Petition No.A-1124/2013.

6. The Applicants and Non-applicant No.2 are present before this Court. We have personally verified the facts from

them regarding the Consent Terms and they have agreed the contents of the Consent Terms entered between the them. The controversy in the present matter needs to be adjudicated in the backdrop of the fact that even though the offence under Section 498-A of IPC is non-compoundable in nature, as held by the Hon'ble Apex Court in *Narinder Singh & Ors. Vs. State of Punjab & Anr. (2014) 6 SCC 466*.

7. 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.

8. Thus, the Hon'ble Apex Court has unequivocally hold that when this Court exercises power under Section 482 of Cr.PC., in respect of non-compoundable offence it does to prevent the abuse of the process of Court and to secure the ends of justice. As we seen from the matter in hand, the offence is of matrimonial in nature and the parties out of their willingness and without any coercion have entered into a compromise.

9. Thus, it would be a fit case to exercise a jurisdiction under Section 482 of the Code of Criminal Procedure to prevent the abuse of process of Court and to secure the ends of justice.

In that view of the matter, we proceed to pass the following order.

ORDER

- i. The Criminal Application is **allowed**.
 - ii. The FIR/Crime No.306/2013 for the offence punishable under Sections 498-A, 294, 506(b), 323 read with 34 of the Indian Penal Code and Sections 3(1) and (10) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and consequent Criminal Case bearing Atro.Spl. Case No.18/2016 pending before the learned District Judge-13 and Additional Sessions Judge, Nagpur., is hereby quashed and set aside to the extent of the present Applicant.
10. Pending application/s, if any, shall stand disposed of accordingly.

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