



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) No.2004 OF 2025

Hardik s/o. Ajay Goyal,
Age 25, Occupation : Doctor,
R/o. C/o. Ajay Kumar,
House No.453, Sector 14,
Urban Estate, Haryana, Karnal (Rural),
Haryana-132 001. : APPLICANT

...VERSUS...

1. State of Maharashtra,
Through Police Station Officer,
Police Station Beltarodi, Nagpur.
2. Amol s/o. Kishor Zade,
Aged : Major,
R/o. Near Maske Atta Chakki,
Plot No.114, At Post Khapri Railway,
Wardha Road, Khapari,
Nagpur-441 108. : NON-APPLICANTS

Mr. D.A. Mohgaonkar, Advocate for Applicants.
Mr. A.G. Mate, Additional Public Prosecutor for Non-applicant No.1.
Mr. Shubhankar Phadnis, Advocate for Non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATE : 19th DECEMBER, 2025.

JUDGMENT : (Per : Nandesh S. Deshpande, J.)

1. Heard. Admit. Heard finally by consent of learned
counsel appearing for the parties.

2. This is an application seeking to quash and set aside the First Information Report in connection with Crime No.373/2024, dated 9.6.2024, registered with Police Station Beltarodi, Nagpur, for the offences punishable under Section 279 and 338 of the Indian Penal Code.

3. Learned counsel for the applicant and also learned counsel for the non-applicant No.2 point out that there is a settlement between the parties. Settlement Deed is filed on record. Both applicant as also non-applicant No.2 are present. We have verified the genuineness of the settlement from them, who state that it is correct. Both parties have been identified by the respective counsels. The copy of the said Settlement Deed titled as "Samjhauta Patra" is already placed on record and it is marked as 'X' for identification. The original copy is also placed before us for perusal.

4. True, it is that the offences under Sections 279 and 338 are non-compoundable in nature. However, looking at the fact that the entire dispute is private in nature, we would be entertaining the present application and exercising powers under Section 482 of the Criminal Procedure Code. A beneficial reference in that regard can be made to the celebrated judgment of the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab and another**, reported in

MANU/SC/0781/2012, is relevant 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 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 the offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably.”

5. As can be seen that the Hon’ble Apex Court laid down that when the High Court exercises power under Section 482 in a non-compoundable offence, it does so to prevent the abuse of the process of the Court and secure the ends of justice. If applying these yardsticks to the present matter, and as stated above, the matter stands compromised between the parties out of their own volition and with free will and without any coercion. No useful purpose would be served to continue the criminal prosecution as against the present applicant.

6. In view of the fact that the matter is settled. We,

therefore, pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The First Information Report in connection with Crime No.373/2024, dated 9.6.2024, registered with Police Station Beltarodi, Nagpur, for the offences punishable under Section 279 and 338 of the Indian Penal Code is quashed and set aside to the extent of applicant.
- (iii) The application is disposed of accordingly.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)