

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1971 OF 2025

Ushabai Devidas Desai And Others

VERSUS

The State Of Maharashtra

...

Advocate for Applicants : Mr. Sant Tapan Kishor
APP for Respondent/State : Mr. S.R. Yadav Lonikar
Advocate for Respondent No.2 : Mr. A.I. Deshmukh

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 10, 2026

PER COURT :-

1. Present applicants seek quashment of FIR No.02 of 2025 dated 02.01.2025 registered with Jalgaon City Police Station, Jalgaon for offences punishable under Section 60, 340(2), 336(3), 336(2), 318(4), 316(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023.
2. On 19.09.2025, learned advocate appearing for applicants has submitted before this Court that dispute between parties is of civil nature and respondent no.2 had already instituted suit for partition before Competent Court at Jalgaon and parties have filed pursis in suit that they have amicably settled dispute. Accordingly, notice was issued to State as well as respondent no.2/informant. Mr. Deshmukh appeared on behalf of respondent no.2. The parties filed a joint affidavit of applicants and respondent no.2 wherein they states that applicants and respondent no.2 have presented a compromise pursis in Special Civil Suit No.112 of 2021

and respondent no.2 has voluntarily consented for quashing of criminal proceeding.

3. It appears that Special Civil Suit No.112 of 2021 was filed by respondent no.2 against her family members seeking declaration and perpetual injunction in which a joint pursis is tendered under Order 23 Rule 3 of Civil Procedure Code. In para 4 of pursis, it is stipulated that respondent no.2 shall not prosecute criminal proceeding against applicants. The respondent no.2 shall have no grievance about “Will” executed by Late Devidas Yadavrao Desai. It is, therefore, evident that parties have genuinely settled their civil dispute.

4. In that view of matter, looking to observations of Ho’nble Supreme Court in case of *Narinder Singh and Others Vs. State of Punjab and another* reported in *(2014) 6 SCC 466*, case is made out to quash FIR and further proceedings.

5. Hence, criminal application stands allowed.

(S.G. CHAPALGAONKAR, J.)