



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3537 OF 2025

1. Yasin Gulabbhai Sayyed
age 55 years, Occ. Servivce,
R/o Dwarka Nagar, Navlewadi,
Tq. Akole, District Ahilyanagar.
 2. Dilshad Yasin Sayyed,
age 51 years, Occ. Service,
R/o Dwarka Nagar, Navlewadi,
Tq. Akole, Dist. Ahilyanagar.
- Applicants.

VERSUS

1. The State Of Maharashtra
through the Police Inspector,
Akole Police Station,
Akole, Tq. Akole,
District Ahilyanagar.
 2. Deepika Bhausahab Savant,
age 22 yrs, Occ. Education,
R/o Near Agasti Temple, on farm
Akole, Tq. Akole, Dist Ahilyanagar.
- Respondents.

...

Advocate for Applicants : Mr. Z.A. Sayyed h/f Ms.P R. Deshpande
APP for Respondents: Mr. V. M. Lomte
Advocate for Respondents : Ms A.N. Tanpure h/f A.R. Ban

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 16, 2026

FINAL ORDER :-

1. By way of the present application the applicants seeks
quashment of the FIR and further proceedings in Crime No.618

of 2024 for the offence punishable under sections 74, 75(1), 115(2), 351(1) and 3(5) of the BNS as well as consequential proceeding in RCC No.37 of 2023 pending before the Judicial Magistrate First Class, Akole.

2. Investigation was set in motion on the basis of complaint given by respondent no.2 alleging that she is pursuing her education in third year of Degree Course i.e. B.A. On 30.6.2024 she married with one Akshay. After marriage, she continued her education through online mode. In this process, she came in contact with the applicants, who was conducting online lectures. Thereafter, the applicant started forwarding her messages stating that applicant likes her and containing sexually colored remarks or explicit sexual overtures. It is alleged that when she complained about misbehavior of the applicant no.1 to his wife, accused persons threatened her. On the basis of aforesaid information, investigation progressed. On completion of investigation, charge-sheet no.72 of 2025 dated 20.3.2025 has been filed with the Judicial Magistrate First Class, Akole. Eventually, RCC No.37 of 2023 is registered and pending trial after taking cognizance.

3. On 7.1.2026 learned advocates appearing for respective parties jointly submitted that applicants and respondent no.2 arrived at amicable settlement. Accordingly, they were relegated to the Registrar (Judicial) of this Court. They submitted terms of settlement alongwith affidavit duly verified by the parties, wherein respondent no.2 stated that she do not wish to continue prosecution of the alleged offences. She had lodged FIR out of misunderstanding in peculiar facts and circumstances. She has no objection to quash and set aside entire proceeding.

4. A deed of settlement filed by parties is taken on record and marked as Exhibit 'X' for identification. It is duly signed and verified by them. In this background, although, the offence punishable under section 74 and 75 of BNS is non compoundable, this Court can exercise inherent powers under section 482 (522) of BNS and quash the proceeding in respect of non-compoundable offences.

5. In the aforesaid background, reference can be made to the observations of the Hon'ble Supreme Court in case of **Gian Singh vs State Of Punjab & Anr reported in (2012) AIR SCW 303 and Narinder Singh & others vs. State Punjab and another**

reported in (2014) SCC 466, wherein in Gian Singh's case it is observed by the Hon'ble Supreme Court that "certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to victim and the offender and 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 F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated."

6. In case of Narinder Singh (*supra*), the Hon'ble Supreme Court has laid down further guidelines in paragraph no.31 of the judgment and observed that "where criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or

arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves. The possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

7. In the present case, allegations in the FIR and material collected during the investigation would show that respondent no.2 had raised grievance against applicants and she had genuinely settled the dispute and do not want to proceed further with the prosecution. Apparently, securing conviction would be remote. Continuation of prosecution would be futile and would serve no public interest so also consume judicial time of the courts.

8. At this stage, learned APP submits that although, the applicants and respondent no.2 have settled their dispute, investigation machinery was exerted in carrying investigation till filing of the charge-sheet. Even judicial time is consumed. Hence, appropriate costs needs to be imposed upon the

applicants. There appears substance in contention of the learned APP.

9. Having regard to totality of circumstances and legal principles laid down by the Hon'ble Supreme Court in the aforesaid cases, this Court finds that present is the appropriate case to exercise discretion under section 482 of the Criminal Procedure Code. In the result, application is allowed in terms of prayer clause 'B' and 'B-1' subject to payment of costs of Rs.10,000/- each by the applicants to be paid to the Government Cancer Hospital, Chhatrapati Sambhaji Nagar (Aurangabad). Criminal application stands **disposed of**.

(S. G. CHAPALGAONKAR)
Judge

...

aaa-