



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 540 OF 2026

1. Punam Premkumar Gurbani,
Age 44 years, Occu. Household
2. Himani Jitesh Khemchandani,
Age 29 years, Occu. Household,
Applicant No.1 and 2 R/o. Ahmedabad,
Gujrat
3. Kiran Sunil Lilwani,
Age 27 years, Occu. Business,
4. Vishal Ashok Batva,
Age 29 years, Occu. Business,
5. Chetna Sunil Lilwani,
Age 54 years, Occu. Household,
Applicants No.3 to 5 R/o. Sai Chouk,
Pimpri, Pune, District Pune .. Petitioners

Versus

1. The State of Maharashtra
2. Mina Ashok Khemchandani
Age 53 years, Occu. House maker,
(Informant in FIR No.1150/2022)
R/o. Sindhi Colony, Tarakpur,
Taluka and District Ahmednagar .. Respondents

Mr. Yogesh Arun Jadhav, Advocate for Applicants;
Mr. P. P. Dawalkar, APP for Respondent No.1;
Mr. Dhananjay R. Choudhari, Advocate for Respondent No.2

CORAM : SACHIN S. DESHMUKH, J.

DATE : 16-02-2026

PER COURT:-

1. The applicants have preferred this application seeking quashment of First Information Report (FIR) bearing Crime No.1150

of 2022, dated 16.12.2022, registered with Tofkhana Police Station, Taluka and District Ahmednagr, for the offences punishable under Sections 143, 147, 323, 504 and 506 of the Indian Penal Code.

2. The learned counsel for the Applicants and the learned counsel for Respondent No. 2 (Original Informant) submit that the present dispute arose out of matrimonial discord between Applicant No. 2 and Jitesh A. Khemchandani (son of respondent No.2). It is submitted that after multiple rounds of litigation, the parties have now reached an amicable settlement to resolve all pending disputes. Both applicant No.2 and her husband have decided to part ways peacefully and transition into their respective futures.

3. Respondent No. 2 has filed an affidavit-in-reply, stating that the First Information Report (FIR) was lodged in the heat of the moment and was the result of a misunderstanding arising from the matrimonial friction within the family. The Informant now categorically states that she does not wish to pursue the criminal case against the Applicants. In view of the cordial relations now restored between the families, she has no objection to the quashing of the FIR and the consequential proceedings. She affirms that this decision is made of her own free will, without any coercion or undue influence.

4. Learned APP has opposed the application and submitted to pass appropriate order in the interest of justice.

5. At this juncture, it would be apt to reproduce the observations rendered by the Hon'ble Supreme Court, in the case of **Narindar Singh vs. State of Punjab, 2014(2) MLJ (Cri)**

365, relevant paragraph No.28, as under :-

"28. Having said so, we would hasten to add that though it is a serious offence as the accused person attempted to take the life of another person/victim, at the same time, the court cannot be oblivious to hard realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 Indian Penal Code as well. Therefore, only because FIR/Charge-sheet incorporates the provisions of Section 307 Indian Penal Code would not, by itself, be a ground to reject the petition under Section 482 of the Code and refuse to accept the settlement between the parties. We are, therefore, of the opinion that while taking a call as to whether compromise in such cases should be effected or not, the High Court should go by the nature of injury sustained, the portion of the bodies where the injuries were inflicted (namely whether injuries are caused at the vital/delicate parts of the body) and the nature of weapons used etc. On that basis, if it is found that there is a strong possibility of proving the charge under Section 307 Indian Penal Code, once the evidence to that effect is led and injuries proved, the Court should not accept settlement between the parties. On the other hand, on the basis of prima facie assessment of the aforesaid circumstances, if the High Court forms an opinion that provisions of Section 307 Indian Penal Code were unnecessary included in the charge sheet, the Court can accept the plea of compounding of the offence based on settlement between the parties.

6. Similarly, in the case of **Sandip Pandurang Bawale vs.**

State of Maharashtra, 2023 DGLS (Bom.) 133, this Court has reiterated and followed with the issue of quashing the non-compoundable offences while exercising powers under Section 482 of the Code of Criminal Procedure (Now Section 528 of *Bharatiya Nagarik Suraksha Sanhita*).

7. Considering that the dispute is essentially private and matrimonial in nature, and in light of the settlement arrived at between the parties, no fruitful purpose would be served by keeping the criminal proceedings alive. Continuance of the prosecution would amount to an abuse of the process of the court and would hinder the parties from leading their lives peacefully. Hence, I am inclined to exercise inherent powers under Section 528 of *Bharatiya Nagarik Suraksha Sanhita* to meet the ends of justice.

8. Hence, the order;

ORDER

- (i) The criminal application is allowed.
- (ii) First Information Report (FIR) bearing Crime No.1150 of 2022, dated 16.12.2022, registered with Tofkhana Police Station, Taluka and District Ahmednagr, for the offences punishable under Sections 143, 147, 323, 504 and 506 of the Indian Penal Code, stands quashed and set aside as against *qua* the present applicants i.e. (1) Punam

Premkumar Gurbani, (2) Himani Jitesh Khemchandani, (3) Kiran Sunil Lilwani, (4) Vishal Ashok Batva and (5) Chetna Sunil Lilwani.

- (iii) The applicants and respondent No.2 shall deposit an amount of Rs.10,000/- (Rs.Ten Thousand) each, with this Court, within a period of four weeks from today, and the same shall be remitted to the Government Cancer Hospital, Chhatrapati Sambhajanagar.
- (iv) Needless to state that non-compliance of aforesaid directions shall result into recall of this order without further reference to the Court.

[SACHIN S. DESHMUKH]
JUDGE

rrd