



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

CRIMINAL APPLICATION NO.702 OF 2026

1. Hiralal s/o Babulal Jaiswal,
Age : 54 years, Occ. Agril.,
R/o Dagegaon Tq. Kannad,
Dist. Aurangabad.
At present – Plot No.16, H.No.2458,
Hind Park, Sawangi, Tq. Phulambri,
Dist. Aurangabad.
2. Aaruna @ Jayshri Hiralal Jaiswal,
Age – 45 years, Occ. Household,
R/o. As Above.
3. Rupesh s/o Hiralal Jaiswal,
Age – 25 years, Occ. Agri.,
R/o. As above.

..Applicants

Versus

1. The State of Maharashtra

351(2), 352 and 85 of Bharatiya Nyaya Sanhita, 2023 and consequential proceeding in Special Case No.158 of 2025 pending before Additional Sessions Judge, Gangapur, District Aurangabad.

2. The investigation was set in motion on information given by Sarika w/o Sanjay Jaiswal. In nutshell, it is alleged that she married with Sanjay Jaiswal. She is blessed with son Yash and daughter Priyanka out of wedlock. In the year 2014, her husband expired. Her daughter Priyanka married with Rupesh Jaiswal. She is blessed with daughter namely Kashish. Since 15.08.2024, her father-in-law raised demand of Rs.5 lakh for starting a business for her husband Rupesh. On 02.09.2024, father-in-law of Priyanka came at her home. He abused in pursuance to demand. When her son and daughter intervened, accused inflicted three blows with knife on head of Yash. Her daughter suffered injury on her shoulder and rib. On the basis of aforesaid information, FIR No.794 of 2023 came to be registered for aforesaid offences. On completion of investigation, charge sheet is filed. After committal, matter is pending for trial before Sessions Judge at Gangapur.

3. On 06.03.2026, learned advocates appearing for applicant and respondent no.2 submitted that parties have amicably settled matrimonial dispute and respondent no.2 is willing to file affidavit to that effect. Accordingly, parties were relegated to Registrar (Judicial) of this Court for verification of affidavit. Respondent no.2, her

daughter Priyanka and son Yash (injured victims) have filed affidavits stating that matrimonial dispute has been amicably settled and Priyanka is now residing with applicant no.3 i.e. husband. All of them have given no objection for quashing of FIR and consequential proceeding.

4. Apparently, inception of incident is matrimonial dispute, FIR pertains to illegal demand and subsequent allegation of assault by accused. The medical evidence placed along with charge sheet shows simple injuries suffered by victims. Looking to nature of injuries, it is difficult to make out an offence under Section 109 of Bharatiya Nyaya Sanhita, 2023. So far as allegations regarding demand and harassment of Priyanka i.e. married daughter of informant, parties have settled matrimonial dispute and affidavit suggests that Priyanka is residing along with her husband.

5. In this backdrop, although offences are non-compoundable, reference can be given to law laid down by Hon'ble Supreme Court in case of ***Narinder Singh and Others Vs. State of Punjab and another*** reported in ***(2014) 6 SCC 466*** particularly para 31 which reads thus :

“31. Where criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationships 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.”

6. In light of law laid down by Hon’ble Supreme Court in ***Narinder Singh*** (supra), this Court finds that case is made out to exercise inherent powers, as parties have amicably settled matrimonial dispute and Priyanka/injured is residing with her husband at matrimonial home.

7. In result, application is allowed in terms of prayer clause (B).

8. Needless to state that in case of reoccurrence of similar incident at the hands of applicant, proceeding in Sessions Case No.158 of 2025 shall be reopened and effect of this order would be deemed to be recalled.

(S. G. CHAPALGAONKAR, J.)