



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 649 OF 2026

Kisan s/o Devram Gafale

....Petitioner

VERSUS

The State of Maharashtra & anr.

....Respondents

.....

Mr. K.N. Shermale, Advocate for petitioner

Mr. R.K. Ingole, A.P.P for respondent No.1.

Mr. U.S. Mote, Advocate for R.No.2

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CORAM : SIDDHESHWAR S. THOMBRE, J.
VACATION COURT

DATE : 22nd MAY, 2026

PER COURT :

1. Heard learned counsel for the respective parties.
2. By this petition, the petitioner is seeking quashing of F.I.R. bearing No.0250/2025, registered with Ghargaon City Police Station, Taluka Sangamner, District Ahmednagar for the offences punishable under Sections 64, 329(1), 329(3), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 and the Sessions Case No.69 of 2025 pending before the learned Additional Session Judge, Sangamner,

District Ahmednagar.

3. Pursuant to the notice issued by this Court on 15/5/2026, the respondent No.2 has appeared in the matter and filed affidavit-in-reply, in which she has stated that, during the pendency of the petition, the family members from both the sides have settled the dispute and she does not want to proceed with the above mentioned F.I.R. She has further stated that, she is not interest to give evidence against the petitioner.

4. Learned A.P.P strongly opposed for quashing of the F.I.R., by contending othat the F.I.R. was registered on the basis of the complaint filed by the respondent No.2 and there are serious allegations. He further submits that, though the petitioner and respondent No.2 have arrived at settlement, the same cannot be a ground for quashing of the F.I.R. as the complaint is filed by the State and the affidavit-in-reply filed by the respondent No.2 is nothing but abuse of process of law and Court by the petitioner and respondent No.2 and considering the seriousness of the offence, this Court may not interfere in the matter.

5. After having heard learned counsel for the petitioner

and respondent No.2 and learned A.P.P. for the State and after having gone through the copy of the F.I.R., I find that, though there are allegations against the petitioner, the respondent No.2 is major and the petitioner is also major. Now the respondent No.2 has filed affidavit-in-reply by contending that the matter is settled between them and she does not want to proceed with the matter. Considering the affidavit-in-reply filed by the respondent No.2, even if this Court dismisses the present petition and even if the trial is proceeded, the respondent No.2 is not going to support the prosecution case before the Trial Court and as such, it would amount to misuse of the process of law and Court. In view thereof, I am inclined to allow the Writ Petition. Hence the order :

ORDER

(i) The Criminal Writ Petition is allowed in terms of prayer clauses (B) and (C), which read thus :

(B) The rule may kindly be made absolute by allowing this Criminal Writ petition, thereby quashing and setting aside First Information Report bearing No.0250 of 2025, dated 11.08.2025 registered with Ghargaon City Police Station, Ghargaon, Taluka Sangamner, District Ahmednagar against the petitioner for the offences punishable under Sections 64, 329(1), 329(3), 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 against the present petitioner.

(C) The rule may kindly be made absolute by allowing this

Criminal Writ Petition, thereby quashing and setting aside Sessions Case No.69 of 2025 pending before the learned Additional Session Judge, Sangamner and the order dated 03/01/2026 passed by the Judicial Magistrate, First Class, Sangamner in R.C.C. No.695/2025.

- (ii) Petitioner and respondent No.2 shall deposit costs of Rs.25,000/- (Rupees twenty five thousand) by each of them in this Court within a period of two weeks from today. After deposit of the amount of costs, the same be transmitted to Cancer Hospital, Aurangabad.

(SIDDHESHWAR S. THOMBRE, J.)

fmp/-