

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CR. WRIT PETITION NO. 4443 OF 2025

Yashshree Niranjana Tiwari And Ors.

... Petitioners

Versus

Jyoti Deepak Tiwari

... Respondent

Mr. Rishikesh Mohite a/w Mr. Niranjana Tiwari for the Petitioner in WP/2383/2024 and Respondent in WP/4443/2025.

Ms. Vrunali J. Vilankar i/b Mr. Abhishek Ingale for the Respondent in WP/2383/2024 and Petitioners in WP/4443/2025

Ms. Jyoti Tiwari is present in person.

Mr. Priyanka Rane A.P.P. for the Respondent No.2-State.

Coram : RANJITSINHA RAJA BHONSALE, J.

Date : 7th May 2026.

PER COURT :

1. The present Petition is filed under Articles 226 and 227 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the impugned Domestic Violence proceedings bearing PWDVA Application No. 75 of 2024 pending before the learned J.M.F.C., Kolhapur, instituted under Sections 12, 18, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 ("DV

Act” for short). The said proceedings have been filed by Respondent No. 1, the mother-in-law, against Petitioner No. 1 and her relatives, viz. Petitioner Nos. 2 to 8.

2. Learned Advocate for the Petitioners submits that, the present proceedings arise out of matrimonial disputes between Petitioner No.1 and the son of Respondent No.1, on account of which several connected proceedings have been instituted. That, during the pendency of the present Petition, Petitioner No.1 herein (wife) and her husband i.e. Petitioner No.1 in Writ Petition No.2383 of 2024 have amicably resolved and settled all the disputes. Pursuant to the said settlement, the parties have also agreed to settle all disputes *inter se*, including the proceedings under the DV Act, defamation suits, and divorce proceedings. Accordingly, Petitioner No.1 and her husband Niranjan Deepak Tiwari (the son of Respondent No.1) have executed Consent Terms dated 7th May 2026 in the present proceedings. That as per the Consent Terms, Respondent No.1 has undertaken to withdraw Regular Civil Suit No.518 of 2025 filed for compensation on account of alleged defamation.

3. Learned Advocate appearing for Respondent No. 1 has tendered across the Bar an Affidavit dated 7th May 2026, duly notarized before the Notary Public. Respondent No.1 is personally present before this Court and reiterates the contents of the said Affidavit. Learned Advocate for Respondent No.1 has

identified Respondent No.1 and also tendered a photocopy of the Adhaar Card of Respondent No.1, which is taken on record and marked “X” for identification.

4. A perusal of the Consent Affidavit dated 7th May 2026 indicates that the parties have amicably resolved all disputes between themselves and have also filed Consent Terms recording the settlement before this Court.

5. Respondent No.1, in her Consent Affidavit, states that she is the Complainant in PWDVA Application No.75 of 2024 pending before the learned J.M.F.C., Kolhapur. The Respondent No.1 has filed the said Consent Affidavit for quashing of the proceedings being PWDVA Application No.75 of 2024. Respondent No.1 has, specifically stated in her Consent Affidavit that, in view of the amicable settlement arrived at between the parties, she does not wish to continue any further disputes or litigation, which form the subject matter of the present Petition.

6. In paragraph No.6 of the Consent Affidavit, Respondent No.1 has expressed her no objection to the quashing of PWDVA Application No.75 of 2024 pending before the learned J.M.F.C., Kolhapur, and all the proceedings arising therefrom. Perusal of the Consent Terms would indicate that, the parties have agreed that, the undertakings given by the parties shall be treated as undertakings given to this Court. The said statement is accepted.

7. The scope of the High Court’s inherent powers under Section 482 of

the Code of Criminal Procedure has been comprehensively elucidated by the Hon'ble Supreme Court in *Narinder Singh v. State of Punjab* (2014) 6 SCC 466. The Hon'ble Supreme Court has categorically held that the power to quash criminal proceedings under Section 482 is distinct from the power of compounding offences under Section 320 of the Code. It has further been recognized that even in cases involving non-compoundable offences, the High Court may exercise its inherent jurisdiction to quash proceedings where the parties have amicably settled their disputes. In the context of matrimonial disputes, which predominantly arise out of personal differences and discord between spouses, the Supreme Court has consistently emphasized that such matters possess a private and personal character. Where the parties have resolved their differences, either by reconciliation or by mutually agreeing to part ways, continuation of criminal proceedings would serve no fruitful purpose and may, in fact, impede the prospects of peace and rehabilitation. Although this inherent power is not to be exercised in cases involving heinous offences or crimes having a serious impact on society, matrimonial disputes and incidental proceedings and offshoots thereof stand on a different footing, being essentially private in nature. Therefore, when the parties have voluntarily and amicably settled their disputes and have expressed their intention to move forward peacefully, the High Court would be justified in quashing the proceedings.

7.1 The Hon'ble Supreme Court, in the case of *Shaurabh Kumar Tripathi v. Vidhi Rawal*, reported in 2025 SCC OnLine SC 1158, has observed as under:

“39. High Courts can exercise power under Section 482 of CrPC (Section 528 of the BNSS) for quashing the proceedings emanating from the application under Section 12(1) of the DV Act, 2005, pending before the Court of the learned Magistrate. However, considering the object of the DV Act, 2005, the High Courts should exercise caution and circumspection when dealing with an application under Section 12(1). Normally, interference under Section 482 is warranted only in the case of gross illegality or injustice.”

The Hon'ble Supreme Court has held that, the Court while exercising powers under section 482 of Cr.PC. (section 528 of BNSS) has the power to quash proceeding, on merits, under the DV Act. In the present case, quashing is sought of matrimonial related disputes, by consent.

8. In the present case, considering that the dispute arises out of matrimonial discord and the parties have arrived at a genuine settlement and resolved all their differences, the continuation of criminal proceedings would amount to an abuse of the process of law. The Respondent No.1 in Writ Petition No.2383 of 2024 has also given her consent for quashing of the proceedings initiated by her under the DV Act. Accordingly, to secure the ends of justice and to promote harmony between the parties, this Court deems it appropriate to accept the settlement and quash the FIR and all consequential proceedings.

9. It is clarified that, in the event of breach of any of the terms and conditions contained in the Consent Terms dated 7th May 2026, the present proceedings shall stand revived, restored to the file and be proceeded with in accordance with law.

10. In view of the above, I am inclined to quash the Domestic Violence proceedings bearing PWDVA Application No. 75 of 2024 pending before the learned J.M.F.C., Kolhapur.

11. In view thereof, the Petition is allowed in terms of prayer clause (b).

12. Learned Advocate for the Petitioners appointed pursuant to the order dated 24th April 2026 and learned Advocate for Respondent No.1, along with the parties themselves, have adopted a practical and reasonable approach towards resolving the disputes. This Court places on record its appreciation for the sincere efforts undertaken by the learned Advocates in facilitating an amicable resolution of the matter while duly protecting the rights and interests of their respective clients.

[RANJITSINHA RAJA BHONSALE, J.]