

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 77 OF 2026

Harsha D/O Rameshbhai Khandelwal ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH
CRIMINAL APPLICATION NO. 78 OF 2026

Manisha Himmatrao Satpute And Anr. ... Applicants

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH
CRIMINAL APPLICATION NO. 79 OF 2026

Kajal Sanjay Shelke Alias ... Applicant
Shambhavi Sandeep Deshpande

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH
CRIMINAL APPLICATION NO. 80 OF 2026

Shilpa Rajesh Sutar ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH
CRIMINAL APPLICATION NO. 71 OF 2026

Sandip Baburao Chougule And Ors. ... Applicants

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH
CRIMINAL APPLICATION NO. 72 OF 2026

Sakshi Ravindra Nikam And Ors. ... Applicants

Versus

The State Of Maharashtra And Anr. ... Respondents

Mr. Ashok Mundargi, Senior Advocate i/b Mr. Nakul Shukla, Mr. Swaroop Karade, Mr. Meghdeep Oak, Mr. Jayant J. Bardeskar, Mr. Aniruddha Mundargi for the Applicants in all Applications.

Mrs. Priyanka Rane, A.P.P. for the Respondent-State.

Mrs. Ashwini Nikhil Patil is present.

Coram : RANJITSINHA RAJA BHONSALE, J.

Date : 7th MAY 2026.

P.C. :-

1. Not on board. Taken on production board on mentioning.
2. The present Applications are filed under Section 482 of the Code of Criminal Procedure and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR bearing C.R. No. 214 of 2026 dated 27th March 2026 registered for the offences punishable under Sections 115(2), 189(2), 191(2) and 190 of the Bharatiya Nyaya Sanhita, 2023, along with Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Mr. Ashok Mundargi, learned Senior Counsel appearing for the Applicants submits that, the Applicants are practicing Advocates appearing

before various Courts in Kolhapur District. That, the Respondent No. 2 and one Nikhil Dilip Patil met while studying at Varana College, developed a friendship, fell in love and thereafter got married on 10th July 2023. That, after the marriage, disputes arose between the complainant and her mother-in-law. Owing to matrimonial discord and differences, divorce proceedings came to be instituted by Nikhil Dilip Patil. Advocate Kajal Shelke, who is accused No.1 and the Applicant in Criminal Application No.79 of 2026, was representing the said Nikhil Dilip Patil in the matrimonial proceedings.

4. That, on 7th March 2026, the divorce petition was listed for hearing. After the hearing, discussions took place between the Respondent No. 2 and her husband regarding return of certain personal belongings. It is alleged that, during the course of the said discussion, Accused No.1 Advocate Kajal Shelke intervened, allegedly caught hold hand of Nikhil Dilip Patil and pushed him aside, following which an altercation took place between Accused No.1 and Respondent No. 2. It is alleged that, Accused No.1 uttered caste-related derogatory remarks against the Respondent No.2. Thereafter, when the Respondent No. 2 was taken to the Hirkani Kaksha, some of the other accused allegedly created commotion and attempted to remove the complainant from the said place. It is further alleged that, some of the accused assaulted the complainant with fists and kicks. On the basis of the said allegations, FIR bearing No. 214 of 2026 dated 27th March 2026 came to

be lodged after a delay of approximately twenty days.

5. Mr. Ashok Mundargi, learned Senior Counsel appearing for the Applicants submits that, pursuant to discussions between the parties and with the intervention of well-wishers, colleagues and family members, the Respondent No. 2 and the Applicants/accused in C.R. No.214 of 2026 have amicably resolved their disputes.

6. Learned Senior Counsel for the Applicant further submits that, Suo Motu Contempt Petition No.1 of 2026 was taken up by the Hon'ble Bombay High Court, Circuit Bench at Kolhapur. During the hearing of the said contempt proceedings, Respondent No.2 filed an Affidavit dated 6th May 2026 expressing regret over the unfortunate incident and stating that she would file an appropriate affidavit in the present Applications seeking quashing of FIR bearing C.R. No.214 of 2026.

7. It is submitted that, pursuant to the said Affidavit, Respondent No.2 has affirmed and filed Affidavit dated 7th May 2026 giving consent to quashing the proceedings i.e FIR No. 214 of 2026.

8. It is submitted that, the original accused No.1, viz Advocate Kajal Shelke, had also lodged FIR bearing C.R. No.173 of 2026 dated 8th March 2026 at Shahupuri Police Station for offences punishable under Sections 74, 115(2), 352 and 356(1) of the Bharatiya Nyaya Sanhita, 2023. That, pursuant to the settlement arrived at between the parties, Accused No.1 has

also agreed to give her consent for quashing of the said FIR. The said FIR bearing No. 173 of 2026 is the subject matter of Criminal Writ Petition Stamp No. 1767 of 2026.

9. Learned Senior Counsel for the Applicants further submits that both the FIRs are cross FIRs arising out of the same incident. That, the FIRs came to be registered on account of misunderstanding and miscommunication during discussions pertaining to the matrimonial proceedings and the commotion that ensued thereafter. That, the parties have now amicably resolved all their disputes, differences and misunderstandings. In view of the aforesaid facts and the Consent Affidavits placed on record, it is prayed that the present Applications be allowed and FIR bearing C.R. No.214 of 2026 registered with Shahupuri Police Station be quashed and set aside.

10. Respondent No.2 is present before the Court and is identified by the learned Advocate appearing on her behalf. Respondent No.2 reiterates the contents of the Affidavit dated 7th May 2026. The Consent Affidavit is taken on record and marked as 'X' for identification.

11. Perusal of the Affidavit dated 7th May 2026 indicates that, the Respondent No. 2 has voluntarily entered into an settlement/understanding with the Applicants out of her own free will, volition and consent is given without there being any force, coercion, pressure, undue influence or compulsion from anyone. That, in view of the amicable settlement the

Respondent No. 2 has stated that, she does not wish to prosecute the aforesaid FIR/criminal proceedings arising therefrom.

12. The Respondent No. 2 in para 6 of the Affidavit has specifically stated that she has no objection if this Court allow the petition and quash the FIR which is subject matter of the Petition.

13. In paragraph 7 of the Affidavit Respondent No. 2 has specifically stated that the Consent given by her for quashing of the aforesaid proceedings is genuine, voluntary and in the interest of maintaining peace and harmony between the parties.

14. In paragraph 9 of the Affidavit Respondent No. 2 has referred to her Affidavit dated 6th May 2026, tendering her unconditional apology which Affidavit was filed before this Court in Suo Motu Contempt Petition No. 1 of 2026.

15. The relevant paragraphs of the Affidavit dated 6th May 2026 reads as under:-

“3. I say that I am filing this this affidavit to place on record my unconditional apology before this Hon'ble Court regarding the incident of assault, which took place within the premises of District and Sessions Court, Kolhapur on 07.03.2026.

4. I say that I tender my unconditional apology to this Hon'ble court and I express my remorse for the same.

5. I say that the incident undoubtedly was unfortunate and I sincerely express my unconditional apology to all the lawyers involved in the incident. I further say that the lawyers involved in this case are officers of the court and I extend my sincere apology to

all concerned.

6. I say the incident undisputedly was unfortunate and the same culminated into registration of the FIR bearing C.R No 214 of 2016 (Name of First Informant: Ashwini @ Pallavi Nikhil Patil) registered with the Shahupuri Police Station by me as also an FIR bearing CR No 173 of 2026 (Name of First Informant: Adv Kajal Sanjay Shelke) was registered against me with the Shahupuri Police Station, Kolhapur.

7. I shall file an appropriate Affidavit in a petition seeking Quashing by consent with respect to FIR bearing C.R. No 173 of 2026. I further say that I have opposed the Anticipatory Bail Application before the sessions court Kolhapur, by filing replies.

8. I undertake to withdraw, the said replies and I shall consent to grant of Anticipatory Bail Application pending before the Sessions Court, Kolhapur. .

9. I express my unconditional apology to the court and I wish to emphasise that I never had any intention to bring disrepute to the Institution of Justice.”

16. The Respondent No. 2, in the said Affidavit has expressed her remorse for the incident of assault which took place in the premises of the District and Sessions Court, Kolhapur. The Respondent No. 2, after referring to the incident of assault and the cross FIR's i.e. FIR 214 of 2026 and FIR No. 173 of 2026, has specifically stated that, she would file an appropriate Affidavit in a petition seeking quashing by consent.

17. A useful reference may be made to the judgment of Hon'ble Supreme Court in the case of *Ramawatar Vs. State of Madhya Pradesh* reported in (2022) 13 SCC 635 wherein the Hon'ble Supreme Court has observed as under :-

16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

19. We may hasten to add that in cases such as the present, the courts ought to be even more vigilant to ensure that the complainant-victim has entered into the compromise on the volition of his/her free will and not on account of any duress. It cannot be understated that since members of the Scheduled Caste and Scheduled Tribe belong to the weaker sections of our country, they are more prone to acts of coercion, and therefore ought to be accorded a higher level of protection. If the courts find even a hint of compulsion or force, no relief can be given to the accused party. What factors the courts should consider, would depend on the facts and circumstances of each case.

18. Perusal of the both FIR's i.e. C.R. No. 173 of 2026, dated 8th March 2026 and C.R. No. 214 of 2026 dated 27th March 2026 would indicate that both FIR's pertaining to the same alleged incident. A conjoint reading of the FIR's would indicate that, the Complainant in FIR bearing No. 214 of 2026 was having certain matrimonial dispute with her husband Nikhil Dilip Patil. That, on the day of the incident the hearing of the divorce proceedings had

taken place. That, after the hearing, the parties were discussing certain aspects of the matter and exchange of certain articles. The discussion resulted in an altercation/quarrel which took place within the court premises. That, during the said discussion/quarrel, the complainant in FIR bearing No. 173 of 2026 i.e. Advocate Kajal Shelke, the lawyer of Nikhil Dilip Patil intervened between the parties. It appears that, due to the matrimonial proceedings, there was arguments/altercation between the parties which got aggravated, due to circumstances beyond the control of the parties and resulted in the present FIR.

19. Both the complainants i.e. Advocate Kajal Shelke, FIR No. 173 of 2026 and Ashwini @ Pallavi Nikhil Patil FIR No. 214 of 2026 have filed Consent Affidavits stating that they have no objection to the quashing of both the criminal proceedings/cross FIR's. Perusal of the FIR's indicates that the arguments and altercations were an offshoot of the matrimonial proceedings pending between the parties. The discussions, which initially arose in the context of matrimonial disputes and exchange of articles, appear to have escalated in the heat of the moment and gone beyond control.

20. Interaction with the complainant as well as the applicants in the present Applications indicates that the Consent Affidavits have been filed voluntarily, out of free will and without any coercion or compulsion. The genesis of the incident is a matrimonial dispute. It is a matter of common

experience that matrimonial disputes are accompanied by emotional stress, frustration, bitterness and heightened emotions between the parties. Considering that the quarrel and exchange of words took place during and immediately after the matrimonial proceedings, prima facie, it does not appear that there was any deliberate or premeditated intention to humiliate the complainant on the basis of caste. The allegations appear to have arisen in the course of a sudden quarrel during emotionally charged discussion. Further, a perusal of the statements recorded through the Investigating Officer in respect of C.R. No. 214 of 2026 would prima facie indicate that, in fact there was no attempt to humiliate the Complainant on the basis of her caste. The witnesses statements, as recorded do not refer to any caste based abuse. Pertaining to note that, one of the witness is the husband of the Complainant. I have noted that, the independent witness have also not refer to any act of caste based abuse.

21. In this context, it is necessary to observe that mere reference to the caste of a person or use of caste-related words, without the requisite intention to intentionally insult or humiliate a member of the Scheduled Castes or Scheduled Tribes, would not by itself attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The intention to humiliate on the basis of caste is required to be gathered from the overall facts and circumstances of the case. In the present case, the

over all facts and circumstances do not indicate abuse on the basis of caste or any intention to do so.

22. Considering the overall facts of the present case, I am prima facie of the opinion that the dispute arises out of matrimonial proceedings and is predominantly private in nature. The FIRs appear to have been lodged in the backdrop of misunderstanding, emotional outburst and miscommunication between the parties. In view of the subsequent amicable settlement and the voluntary consent terms placed on record, continuation of the criminal proceedings would amount to an abuse of the process of law.

23. In the facts of the present case, quashing of the proceedings would not defeat the object and purpose of the SC/ST Act. On the contrary, considering that the parties have amicably resolved their disputes and desire to maintain peace and harmony, it would be in the interest of justice to exercise the inherent powers of this Court under Section 482 of the Code of Criminal Procedure and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, so as to secure the ends of justice.

24. This Court has independently interacted with the complainants in order to satisfy itself that the settlement has been entered into voluntarily and without any force, coercion, undue influence or pressure. Upon such interaction, this Court is satisfied that the complainants have consented to the quashing of the proceedings i.e. FIR No. 173 of 2026 dated 8th March

2026 and FIR No. 214 of 2026 dated 27th March 2026 out of their own free will.

25. It is pertinent to note that both the FIRs came to be registered in March 2026 and the parties have, within a short span of time, resolved their disputes and misunderstandings amicably. The dispute essentially emanates from matrimonial discord and continuation of the criminal prosecution, despite settlement, would serve no fruitful purpose. In the peculiar facts of the present case, the ends of justice would be better served by bringing quietus to the litigation rather than compelling the parties to undergo a criminal trial.

26. The scope of the High Court's inherent jurisdiction under Section 482 of the Code of Criminal Procedure has been authoritatively expounded by the Hon'ble Supreme Court in *Narinder Singh v. State of Punjab (2014) 6 SCC 466*. The Apex Court categorically held that the High Court's power to quash criminal proceedings under Section 482 is independent of, and distinct from, the power of a criminal court to compound offences under Section 320 of the Code. Consequently, even in cases involving non-compoundable offences, this Court is vested with the inherent jurisdiction to quash proceedings where the parties have arrived at a genuine settlement. While this extraordinary power must not be invoked in prosecutions involving heinous crimes, offences of mental depravity, or wrongs against society at large, it is squarely applicable

to cases where the wrong is basically private or personal in nature. The ultimate touchstone for exercising this power is twofold: to secure the ends of justice and to prevent the abuse of the process of any court.

27. Applying these guiding principles to the present case, it is clear that the offences alleged are private in nature and do not have any wider societal impact. The parties have amicably resolved all their disputes and differences out of their own free will and volition, leaving no surviving grievance against each other. In view of the amicable settlement, the possibility of a conviction is bleak, and permitting the prosecution to continue would be a futile exercise amounting to an abuse of the process of law. Therefore, to secure the ends of justice and to promote harmony, this Court finds it appropriate to accept the compromise and quash the FIR along with all consequent proceedings.

28. Considering the nature of allegations, the background of the dispute, the voluntary settlement arrived at between the parties, and the conduct of the parties before and after the incident, I am of the considered opinion that this is a fit case for exercising the inherent powers of this Court under Section 482 of the Code of Criminal Procedure and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Though such powers are required to be exercised sparingly and with caution, the present case warrants exercise of such jurisdiction in order to prevent abuse of the process of law and to secure

the ends of justice, I am of the opinion that, the impugned FIR and all consequential proceedings arising therefrom deserve to be quashed and set aside.

29. In view thereof Applications are allowed in terms of prayer clause 'a'.

[RANJITSINHA RAJA BHONSALE, J.]