Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 853 OF 2024

Anand Sadashiv Londe & Ors. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondents

.....

- Mr. Dinesh Arjun Wani i/by Ms. Trupti M. Khamkar, Advocates for Applicants
- Ms. Gauri S. Rao, APP for Sttae
- Mr. Vikas Shivgan, Advocate for Respondent No. 2

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 9, 2026

P. C.:

1. Heard Mr. Wani, learned Advocate for Applicants; Ms. Rao, learned APP for State and Mr. Shivgan, learned Advocate for Respondent No. 2.

2. Present Application is filed seeking quashing and setting aside of the FIR and the consequential proceedings, if any, arising therefrom.

3. Both the parties are before me. They would inform the Court that consent terms have already been filed between them in the Domestic Violence case putting a full and final closure and all quietus to all disputes between them including that of 498A proceedings. They would inform the Court that since the consent terms have been filed in the Domestic Violence case, they are desirous to put an end to the present Complaint and criminal proceedings by consent quashing. In

that view of the matter and the request made by both the parties, I am inclined to allow the present Application.

4. Section 482 of the Criminal Procedure Code, 1973 conferred inherent powers on High Courts to pass such orders as are justified to give effect to any order in the Court, prevent abuse of process of any Court or secure the ends of justice. In the BNSS this provision stands incorporated with Section 528 which substantially reproduces the language and intent of Section 482 of the CRPC, 1973 High Courts invoke this provision to step in where cases have been instituted with *malafide* motives or to harass the accused person thereby avoiding procedural harassment. It empowers Court to dismiss FIRs or criminal proceedings if there is no *prima facie* case or evidence against the accused person/s or if orders are made in violation of the principles of natural justice. The exercise of such powers under Section 482 of CRPC and now Section 528 of BNSS remains discretionary and varies from case to case.

5. In ***State of Harayana vs Bhajan Lal***[1] the Supreme Court laid down model categories and guidelines in paragraph No. 102 of the said judgment in which the FIRs can be quashed. The Supreme Court has furthered asserted that power under Section 482 is an acknowledgment of "powers inherent" and not the source of powers

1 1992 AIR 604

additional. It has held that even non compoundable offences can be quashed where necessary. It has held that High Courts have to decide whether the prosecution of an offence would further or be against the interest of justice. It is also held that grievous offences such as murder, rape, and dacoity cannot ordinarily be quashed even after settlement because they involve societal implication.

6. In view of the above, the present Application is allowed in terms of prayer clause (a) which read thus:-

> *"(a) That his Hon'ble Court be pleased to call for the record and proceedings of criminal proceeding in F.I.R bearing M.E.C.R. no. 7 of 2013 registered with Kherwadi Police Station, Mumbai for offences u/s 498(A), 406, 313, 506 r/w sec. 34 of IPC and Chargesheet a/w entire Criminal Proceedings in case no. S.C. No. 873 2016 @ 208 of 2018 which was sent back to Ld. Metropolitan Magistrate Court for suitable action, due to absence of jurisdiction by Ld. Session Court, Greater Mumbai.*

7. Application is allowed and disposed.

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[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR
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Date: 2026.10.13 12:09:18 +0530