

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2391 OF 2025**

Deepak Baban Gawali

... Petitioner

Vs.

The State of Maharashtra & Anr.

... Respondents

Mr. Vedant V. Mhaiskar for the Petitioner.

Mr. A. A. Palkar, APP for the Respondent No.1-State.

Mr. Amol B. Jagtap for the Respondent No. 2.

CORAM : RANJITSINHA RAJA BHONSALE , J.

DATED : 16th FEBRUARY, 2026.

P. C. :-

1. Learned Advocate for the Petitioner seeks leave to amend prayer clause (a) so as to challenge the R.C.C. No. 462 of 2021. Leave granted. Amendment to be carried out forthwith.

2. The present Petition, is filed by the Petitioner for quashing and setting aside the FIR bearing C.R. No. 831/2021, dated 18th September, 2021, registered with the Yavat Police Station, Taluka Daund, District Pune, for the offences punishable under Sections 420, 406, 465, 467, 468, 120-B, read with Section 34 of the Indian Penal Code, and also the Charge-sheet bearing R.C.C. 462 of 2021.

3. Learned Advocate for the Petitioner submits that the present dispute arises out of a matrimonial dispute between Respondent No. 2 and the Petitioner. By Order dated 29th August 2024, the parties were referred

to mediation by this Court. Pursuant to the mediation proceedings, the Petitioner and Respondent No. 2 resolved and settled their disputes and differences and have filed Consent Terms.

4. Learned Advocate for the Petitioner submits that, as per the Consent Terms, an amount of Rs. 50,00,000/- has been paid/handed over to Respondent No. 2 towards one-time permanent maintenance for the daughters, by way of two demand drafts of Rs. 25,00,000/- each. The parties have agreed that the said demand drafts will be deposited by Respondent No. 2 upon the passing of the divorce decree.

5. The learned Advocate for the Respondent No. 2 submits that, the pending divorce petition will be converted into a petition for divorce by mutual consent and upon passing of the order and decree for divorce, the demand drafts will be encashed by the Respondent No. 2. This is as per the understanding and the Consent Terms.

6. Perusal of the Consent Terms indicates that, the parties had filed number of proceedings against each other, which are pending. The Respondent No. 2 and the Petitioner have already unconditionally withdrawn all the allegations in all the pending cases, complaint/petition and proceedings filed, so also have withdrawn all the cases filed by them or through their family members against each other.

7. Learned Advocate for the Respondent No. 2 submits that, pursuant to the Consent Terms, Writ Petition No. 6257 of 2024, Writ

Petition No. 14176 of 2023 and Writ Petition No. 12762 of 2024 have already been disposed off. This was done based on the settlement and agreement arrived at between the parties.

8. Learned Advocate for the Respondent No. 2 submits that, the Respondent No. 2 has settled the disputes and has filed the Consent Affidavit dated 12th February, 2026. Learned Advocate submitted that he has been authorized to admit the contents of the Affidavit of Respondent No.2.

9. Perusal of the Consent Affidavit dated 12th February, 2026 indicates that, the Respondent No. 2 has given her consent to quash the FIR and the entire proceedings bearing R.C.C. No. 462 of 2021 pending before the Judicial Magistrate First Class, Daund.

10. The Respondent No. 2 has stated that the Consent Terms dated 10th March, 2025 have already been produced in Civil Writ Petition No. 14176 of 2023. Perusal of the record indicates that, though the present FIR is filed under Section 420, 406, 465, 467, 468, 120-B, 34 of the 1860 Indian Penal Code, it arises out of and is an off shoot as matrimonial disputes between the Petitioner and Respondent No. 2. It appears that the parties have settled all their disputes and have withdrawn all litigations filed by them against each others.

11. The main dispute is a matrimonial dispute between Mr. Baban Gawali and the Respondent No. 2. The present dispute is an off shoot of

the matrimonial disputes. The parties have amicably settled all their disputes and the husband has also considered and provided for the future of the children i.e. two daughters. As the main matrimonial disputes have been settled, the other issues and differences which gave rise to the proceedings including the present proceedings have been settled. The parties have decided that the custody of the daughters will be with the Respondent No. 2 and the father/husband has made available with the Respondent No. 2 an amount Rs.50,00,000/- for the maintenance and future of both the daughters. Considering the aforesaid facts and circumstances, and more importantly that the matrimonial dispute and all other disputes have been amicably resolved, settled and Consent Terms implemented.

12. The scope of the High Court's inherent power under Section 482 of the Code of Criminal Procedure has been elaborately discussed by the Hon'ble Supreme Court in the case of *Narinder Singh v. State of Punjab* (2014) 6 SCC 466. The Supreme Court categorically held that the power to quash criminal proceedings under Section 482 of the Code is distinct and different from the power given to a criminal court for compounding offences under Section 320 of the Code. Even in cases involving non-compoundable offences, the High Court possesses the inherent jurisdiction to quash the proceedings where the parties have settled the matter between themselves. While this power is not to be exercised in

prosecutions involving heinous and serious offences of mental depravity or crimes against society , criminal cases having an overwhelmingly and predominantly civil character, or where the wrong is basically private or personal in nature, should be quashed when the parties have resolved their entire disputes. The ultimate guiding factors for the Court in exercising this inherent power are to secure the ends of justice or to prevent the abuse of the process of any court. In the present case, as the parties have amicably resolved their private dispute and decided to live peacefully in the future, continuing the criminal proceedings would be contrary to the interest of justice. Therefore, to secure the ends of justice and promote harmony between the parties, this Court finds it appropriate to accept the settlement and quash the FIR and all consequent proceedings.

13. Considering the above, I am inclined to quash the FIR dated 18th September 2021 bearing C.R. No. 831 of 2021 registered with the Yavat Police Station, Taluka-Daund, Pune and the resultant Chargesheet bearing R.C.C. No. 462 of 2021.

14. Petition is allowed in terms of prayer clause (a).

(RANJITSINHA RAJA BHONSALE, J.)