



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 42 OF 2024

(Vishal S/o Vishwanath Awasarmol & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station Mehkar,
Tq. Mehkar, District Buldhana & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.B. Gandhe, Advocate for the Applicants.
Ms. H.N. Prabhu, APP for the Non-applicant No.1/State.
Mr. K.J. Rawandhe, Advocate for the Non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 6th APRIL, 2026

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No.611/2023 registered with Police Station Mehkar, District Buldhana for the offence punishable under Sections 498-A, 294, 323, 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.326/2025 pending before the Judicial Magistrate First Class, Mehkar.

2. During the pendency of this Application, both the parties arrived at a settlement. The settlement terms are filed on record. The Non-applicant No.2 is personally present before the Court and I have verified the terms and conditions of the settlement from the Non-applicant No.2 which she had agreed and accepted. As per the terms and conditions of the settlement, the Applicant No.1 and Non-applicant No.2 both have decided to dissolve the marriage by obtaining the decree

of dissolution of marriage, which is already passed. The Applicant No.1 and Non-applicant No.2 both are present before the Court and they have agreed and accepted the terms and contents of the settlement.

3. In view of the settlement though the offence punishable under Section 498-A of IPC is not compoundable one but considering the law laid down by Hon'ble Apex Court in the case of *Gian Singh Vs. State of Punjab, reported in (2012) 10 SCC 303*, wherein the Court observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

4. In view of the above observations and considering that the criminal law is set in motion on the basis of the report lodged, the entire Police machinery have spared their time for the investigation of the said crime as well as the Court has also spared the time in adjudication of the matter, therefore the Application deserves to be allowed subject to the cost. In view of that, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
 - ii. The First Information Report bearing Crime No. 611/2023 registered with Police Station Mehkar, District Buldhana for the offence punishable under Sections 498-A, 294, 323, 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.326/2025, are hereby quashed and set aside to the extent of the present Applicants, subject to the cost of Rs.10,000/- by the Applicants and Rs. 5,000/- by the Non-applicant No.2, to be paid to the **“Public Welfare Account”** in **Account No. 129712010001014 IFSC Code : UBIN0812978** Union Bank of India, Branch High Court, Civil Lines, Nagpur.
 - iii. The order will come into effect after depositing the costs.
5. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)