



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

CRIMINAL APPLICATION (APL) NO. 186 OF 2024

AMARLAL S/O CHUNNILAL ASREKAR AND OTHERS

Vrs.

STATE OF MAHARASHTRA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Nilesh Nagpure, Advocate for applicants.
Ms. H. N. Prabhu, APP for non-applicant No.1-State.
Shri V. R. Gajbhiye, Advocate for non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 08/04/2026.

1. The present application is preferred by the applicants for quashing of FIR in connection with Crime No.866/2023 registered under Sections 498-A, 323, 504 and 506 of the IPC and consequent proceedings arising out of the same bearing RCC No.5266/2025 pending before the 8th Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur.

2. A crime is registered on the basis of report lodged by the non-applicant No.2 on an allegation that after her marriage with applicant No.1, she was subjected for the ill-treatment and harassment for various reasons and therefore, she constrained to leave the matrimonial house. She has specifically stated the nature of the ill-treatment which she has faced when she was staying along with the present applicants.

3. On the basis of said report, police have registered a crime against the present applicants.

4. During the pendency of this application, both parties arrived at a settlement. The settlement terms are filed on record. As per the settlement, the applicants and non-applicant No.2 have to file application for seeking decree of dissolution of marriage by wilful consent. Accordingly, they have filed petition before the Family Court, Baitul. In view of settlement, the husband of the non-applicant No.2 has already deposited the entire amount which is to be paid to non-applicant No.2, in view of order passed by this Court on 30/03/2026.

5. The non-applicant No.2 was present on 30/03/2026. The contents of the settlement are verified from her personally by me. She has agreed and accepted the said terms and conditions by considering that 50% of the amount was only deposited and 50% amount was not deposited. Therefore, direction was given to deposit the remaining amount under protest and non-applicant No.2 shall not permit to withdraw the said amount unless all proceedings are withdrawn.

6. Thus, considering now the entire amount is deposited, parties have already arrived at a settlement. The applicants and non-applicant No.2 both have agreed the terms and conditions of the settlement. The application deserves to be allowed.

7. There is no doubt that the offence punishable under Section 498-A of the IPC is not compoundable one,

in view of observations of the Hon'ble Apex Court in the case of Gian Singh Vs. State of Punjab and another, reported in 2012(10) SCC 303, wherein the Hon'ble Apex Court has 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.

8. In this regard, a specific reference was made to the 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 the disputes between them amicably, irrespective of the fact that such offences have not been made compoundable.

9. In view of the above observations of the Hon'ble Apex Court, present application deserves to be allowed. Accordingly, I proceed to pass following order :-

ORDER

- i] The application is allowed.
- ii] The FIR in connection with Crime No.866/2023 registered under Sections 498-A, 323, 504 and 506 of the IPC and consequent proceedings arising out of the same bearing RCC No.5266/2025 pending

before the 8th Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur is hereby quashed and set aside to the extent of present applicants subject to costs of Rs.10,000/- by the applicants and Rs.5,000/- by the non-applicant No.2.

iii] The amount of costs be deposited in the account of 'Public Welfare Account' bearing No. 129712010001014, IFSC Code No. UBINO812978, Union Bank of India, High Court Branch, Civil Lines, Nagpur.

iv] The order will come into effect after depositing the costs.

v] The application is disposed of.

[JUDGE]

Choulwar