



Judgment

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

CRIMINAL APPLICATION APL NO.621/2025

1. Pankaj s/o Bhimrao Chande,
a/a – 36 years, occupation: laboratory
technician.

2. Smt.Chandrakala w/o Bhimrao
Chande,
a/a – 67 years, occupation - unemployed,
r/o – c/o Pramod Mendhe, near
Sai Mangalam Lawn, Govindpur
Road, Gondia, tahsil and district
Gondia. **Applicants.**

:: VERSUS ::

1. State of Maharashtra, through
Warora Police Station, Chandrapur.

2. Seema Pankaj Chande,
age about 30 years, occupation-Private
job,
r/o Gurumauli Nagar, Borda,
Anandvan Chowk, Warora, tahsil
Warora, district Chandrapur. **Non-applicants.**

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Shri M.V.Bhamarde, Counsel for Applicants.
Shri Nikhil Joshi, APP for NA No.1/State.

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CORAM : URMILA JOSHI-PHALKE, J.

DATE : 23/02/2026

ORAL JUDGMENT

1. Heard learned counsel for applicants and learned APP for non-applicant/State. Despite service, none appears for non-applicant No.2 (the complainant) **Admit**. Heard finally by consent.

2. By this application, applicants are seeking quashing of FIR in connection with Crime No.600/2023 registered with the non-applicant No.1 police station for offences under Sections 498-A and 504 read with 34 of the IPC and consequent proceeding arising out of the same bearing chargesheet No.112/2024 and RCC No.98/2024 pending before learned 3rd Joint CJJD and JMFC, Warora, district Chandrapur.

3. The crime is registered on the basis of a report lodged by the complainant on allegations that her marriage was performed with applicant No.1 on 22.5.2022. After the marriage, she resumed cohabitation, but both applicants were

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ill-treating her on various reasons and there was an unlawful demand. Therefore, she was constrained to leave the matrimonial house. On the basis of the said report, the police have registered the crime against the applicants and after completion of investigation, chargesheet was filed bearing No.112/2024.

4. Learned counsel for the applicants submitted that applicants and the complainant belong to “Adiwasi Community”. They have already approached learned JMFC at Warora, district Chandrapur by filing RCS No.164/2024 for declaration under Section 34 of the Specific Relief Act wherein settlement was recorded and in view of the settlement, decree as to their separation is already passed. He submitted that despite service of notice, the complainant is not attending proceeding and, therefore, the application is pending.

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5. Learned APP for the State has strongly opposed the said contentions and submitted that as far as allegations are concerned, it *prima facie* constitute the offence and, therefore, the application deserves to be rejected.

6. On hearing both the sides and perusing the investigation papers and documents filed on record, it reveals that there was matrimonial dispute between applicant No.1 and the complainant. Out of that matrimonial dispute, the FIR came to be lodged and the chargesheet is also filed. It is further apparent that during pendency of the present application, both parties arrived at a settlement and filed RCS No.164/2024 seeking declaration under Section 34 of the Specific Relief Act being parties belong to the tribal community. Recital of the decree passed by the trial court shows that the parties have arrived at settlement and they have decided to live separately. In view of the settlement, the applicants agreed to pay sum of Rs.4,50,000/- towards permanent alimony. He was further directed to pay amount

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by way of demand draft and that compliance was there and, therefore, the suit is disposed of as compromise in terms of compromise pursis vide Exh.12.

7. Thus, it is apparent that both the parties have already settled the dispute amicably.

8. The Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab and anr, reported in (2002) 10 SCC 303** observed that, "where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although 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 the matrimony particularly relating to

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dowry etc. or family dispute where the wrong is basically to victim and the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable."

9. At the same time, considering due to filing of the complaint, the investigating agency, this court, and the trial court have spent their valuable time in adjudicating the said matter, the application is allowed subject to costs and, therefore, following order is passed:

ORDER

(1) The criminal application is **allowed**.

(2) FIR in connection with Crime No.600/2023 registered with the non-applicant No.1 police station for offences under Sections 498-A and 504 read with 34 of the IPC and consequent proceeding arising out of the same bearing chargesheet No.112/2024 and RCC No.98/2024 pending before learned 3rd Joint CJJD and JMFC, Warora, district

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Chandrapur are hereby quashed and set aside to the extent of present applicants Pankaj s/o Bhimrao Chande and Smt.Chandrakala w/o Bhimrao Chande subject to costs of Rs.10,000/-.

(3) The costs be deposited with the “Public Welfare Account”, having Account No.129712010001014 (IFSC Code : UBI No.812978).

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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