



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

CRIMINAL APPLICATION (APL) NO. 1219 OF 2025

Mohammad Yasin S/o Mohammad
Asif,
Aged about 23 years, Occ. Student,
R/o. Khel-Krushnaji (Panchgavhan),
Tq. Telhara, Dist. Akola.

APPLICANT

Versus

1. State of Maharashtra,
Thr. P.S.O, Police Station Telhara,
Tq. Telhara Dist. Akola.
2. Ku. Neha D/o Nitin Agarwal,
Aged about- 23 years, Occ.Education,
R/o. Khel-Krushnaji (Panchgavhan),
Tq. Telhara, Dist Akola.

NON-APPLICANTS

Mr. A.B. Mirza, Advocate for the Applicant.
Ms. H.N. Prabhu, APP for the Non-applicant No.1/State.
Ms. N.P. Dhoke, Advocate for the Non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 30th MARCH, 2026.

ORAL JUDGMENT :-

1. Heard.

2. **ADMIT.** Heard finally by the consent of learned Counsel for the respective parties.

3. The present Application is preferred by the Applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the First Information Report in connection with Crime No.135/2024 registered with Police Station Telhara, District Akola for the offence punishable under Sections 341, 354, 354-D, 366, 504 and 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing Sessions Case No. 28/2024 (Charge-sheet No. 61/2024).

4. The crime is registered on the basis of a report lodged by the Non-applicant No.2 on an allegation that on 02.06.2024 at about 11.00 am., when she was travelling from bus to Telhara to attend the tuition classes she got down at Shegaon Naka and went to her brother's room to hand over tiffin. It is alleged that, the present Applicant has followed her and reached at her tuition class, he intervened her and disclosed that he wanted to marry her and when she refused to sit on his bike he forcefully took her and outraged her modesty.

On the basis of the said report Police have registered the crime against the present Applicant.

5. After registration of the crime the investigation started rotating. During investigation the Investigating Officer has recorded the relevant statements of witnesses and after completion of the investigation submitted charge-sheet against the present Applicant.

6. During the pendency of this Application, both the Applicant and the Non-applicant No.2 have settled the dispute between themselves and it is prayed that the FIR to be quashed. Admittedly, the offence which is registered against the present Applicant are non-compoundable one.

7. Heard learned Counsel for the Applicant, who submitted that even accepting the allegations as it is there was a friendship between the present Applicant and the Non-applicant No.2, they were communicating with each other and they were roaming with each other. He placed reliance on some photographs which are placed on record shows that the relationship is reflected from the said photographs which

sufficiently shows that there was an intimate relationship between the present Applicant and the Non-applicant No.2 but due to some dispute between them, the FIR came to be lodged. Now, they have already settled the dispute. In view of that, the FIR deserves to be quashed.

8. *Per contra*, learned APP strongly opposed the same on the ground that as the offences are non-compoundable one, the Application deserves to be rejected.

9. After hearing both the sides and on perusal of the entire record it reveals that there was a friendship between the present Applicant and the Non-applicant No.2. The nature of the friendship shows that, they were communicating with each other as well as they were roaming with each other. The photographs on record which are filed sufficiently shows the nature of the relationship between them. It further reveals that, as the dispute arose between them, the FIR came to be lodged. Considering the nature of the relationship, moreover the Non-applicant No.2 is a girl of 22 years knows the consequences of her act, entered into the said relationship but due to some

dispute the said relationship was broken, and therefore, the FIR came to be lodged.

10. At this stage, the observations of the 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.

11. In view of the above observations, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **allowed**.
- ii. The First Information Report in connection with Crime No. 135/2024 registered with Police Station Telhara, District Akola for the offence punishable under Sections 341, 354, 354-D, 366, 504 and 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing Sessions Case No. 28/2024 (Charge-sheet No. 61/2024), is hereby quashed and set aside to the extent of the present Applicant, subject to the cost of Rs.10,000/- (Rs. Ten Thousand Only) by the Applicant 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.

12. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte