



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

CRIMINAL APPLICATION (APL) NO.1319 OF 2025

Maresh Raju Dudhkawar

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Purada, District Gadchiroli and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K. S. Ganorkar, Advocate for applicant.

Ms. M. A. Barabde, APP for non-applicant No.1/State.

Mr. Chaitanya Kulkarni, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/02/2026

1. Present application is preferred by the applicant for quashing of the First Information Report (for short 'FIR') in connection with Crime No.75/2025 registered with Police Station Purada, District Gadchiroli for the offence punishable under Sections 109(1), 115(2), 331(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS').

2. The crime is registered on the basis of a report lodged by the non-applicant No.1 on an allegation that she was having a love affair with the present applicant and she was residing along him. She was also taking education, but the applicant has objected for the same and therefore, there was a dispute between them. It is further alleged that on

26.07.2025, when she was sleeping along with her mother, one person came and pressed her mouth as well as her neck and therefore, she resisted the act. She has seen the present applicant eloping from the said spot of incident. On the basis of the said report, police have registered the crime against the present applicant.

3. During investigation, the Investigating Officer has recorded the various statements of the witnesses and after completion of the investigation, the charge sheet was submitted against the present applicant.

4. During pendency of this application, the applicant and non-applicant No.2 have performed the marriage and now they filed on record the joint pursis regarding the settlement. The settlement terms are personally verified from the present applicant as well as the non-applicant No.2. Admittedly, the offence which is alleged against the present applicant is non-compoundable one. However, considering the injury certificate, which shows that there was a finger nail injury which is also superficial in nature. Thus, the injury which is sustained by the non-applicant No.2 is not grievous in nature, therefore, the question will remain whether the offence under Section 109 of BNS is made out or not.

5. **Gian Singh Vs. State of Punjab and another** reported in **(2012) 10 SCC 303** wherein the Hon'ble Apex 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 have 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.

6. In the case of The State of **Madhya Pradesh Vs. Laxmi Narayan and Ors**, reported in **(2019) 5 SCC 688**, the Hon'ble Apex Court sum up and laid down the following principles by which this Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the

parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the Accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 Indian Penal Code would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 Indian Penal Code in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 Indian Penal Code is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 Indian Penal Code. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to

accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 Indian Penal Code is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is

at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 Indian Penal Code and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

7. Now, considering the applicant and non-applicant No.2 have already married and they are living their happy married life. Injuries are simple in nature. Offence is not covered under heinous offence. In view of that, no purpose would be served by asking the applicant to face the criminal trial. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is **allowed**.

(ii) The First Information Report in connection with Crime No.75/2025 registered with Police Station Purada, District Gadchiroli for the offence punishable under Sections 109(1), 115(2), 331(5) of the Bharatiya Nyaya Sanhita, 2023 and consequent proceeding arising out of the same bearing Sessions Case No.117/2025 is hereby quashed and set aside to the extent of the present applicant.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)