



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

CRIMINAL APPLICATION APL NO.1351/2025

Sanghsen s/o Nawanand Bhautik and ors

..VS..

State of Maharashtra, thr.PSO Arjuni Morgaon, District Gondia and anr

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

Court's or Judge's Order

Shri S.G.Karmarkar, Counsel for Applicants.
Shri N.B.Jawade, APP for the State.
Shri P.M.Sinha, Counsel for NA No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 12/03/2026

1. Heard.

2. By this application, applicants are seeking quashing of FIR in connection with Crime No.167/2025 registered with non-applicant No.1 police station for offences under Sections 85, 115(2), 351(3), and 3(5) of the BNS 2023 and consequent proceeding arising out of the same bearing RCC No.74/2025 pending before learned JMFC, Arjuni-Mor, district Gondia.

3. During the pendency of the present application, both parties have arrived at a settlement and settlement terms are filed on record. As per applicant No.1 and non-applicant No.2, both have decided to obtain decree of divorce by filing a petition by mutual consent. It is further stated that non-applicant No.2 will obtain a lumpsum amount towards full and final settlement of Rs.2.00 lacs.

4. Applicant No.1 as well as non-applicant No.2 both are present before this court. I personally verified the terms and conditions of the said settlement and they have agreed and accepted the same.

5. 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 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, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated."

6. Admittedly, the offence alleged is not compoundable one. However, in view of the above observations of the Hon'ble Apex Court, the present application deserves to be allowed.

7. At the same time, considering the entire police machinery was set into motion after registration of the crime as well as valuable time of this court as well as the various courts is spent in litigating or adjudicating the said matter, the application deserves to be allowed, subject to costs and, therefore, following order is passed:

ORDER

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

(2) FIR in connection with Crime No.167/2025 registered with non-applicant No.1 police station for offences under Sections 85, 115(2), 351(3), and 3(5) of the BNS 2023 and consequent proceeding arising out of the same bearing RCC No.74/2025 pending before learned JMFC, Arjuni-Mor, district Gondia are hereby quashed and set aside to the extent of present applicants (Sanghsen s/o Nawanand Bhautik; Navanand s/o Dadu Bhautik; Maya w/o Navanand Bhautik; Miss.Dr.Prerna d/o Navanand Bhautik; and Dr.Payal d/o Navanand Bhautik) subject to costs of Rs.20,000/-.

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

(4) This order will come into force after depositing the above costs.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!