



Judgment

7 apl1438.25

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

CRIMINAL APPLICATION APL NO.1438 of 2025

Anshul s/o Deepak Wadhwani,
aged about: 27 years,
occupation: business,
resident of 356A, Choudhary Chowk,
Near Kambar Darbar, Jaripatka. **Applicant.**

:: VERSUS ::

1. State of Maharashtra, through
Police Station Officer,
Sadar Police Station,
Sadar, Nagpur.

2. Darshana d/o Mohan Ingole,
aged: 24 years, occupation: service,
plot No.49/A, Umred, Road,
Yogeshwar Nagar, Dighori,
Near Sakshi Kirana Stores,
Hudkeshwar Bk.Mhalginagar,
Nagpur-440034.
Aadhar Card No.796469869048
Mobile No.8657849845. **Non-applicants.**

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Shri K.L.Satuja, Counsel for the Applicant.
Shri A.M.Joshi, APP for Non-applicant No.1/State.
Ms S.D.Chaudhari, Counsel for NA No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **05/02/2026**

ORAL JUDGMENT

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1. Heard learned counsel for the applicant, learned APP for the State, and learned counsel for the non-applicant No.2 (the complainant). **Admit.** Heard finally by consent.

2. By the present application, the applicant is seeking quashing of FIR in connection with Crime No.580/2025 registered for offences under Sections 69, 351(2), and 352 of the BNS and the consequent proceeding arising out of the same bearing RCC No.5028/2025 pending before learned JMFC-6, Nagpur .

3. The crime is registered on the basis of a report lodged by the complainant on allegations that for the period from 2018-2020, she was serving in “A.K.Gandhi Showroom” whereat she got acquaintance with the applicant and, thereafter, there was communication between them as friendship was developed between them. She alleged that in October 2023, the applicant has taken her at various places and, thereafter, subjected her for forceful sexual assault. On

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the basis of the said report, the police have registered the crime against the applicant.

4. On registration of the FIR, statements of various witnesses are recorded. The complainant was referred for medical examination and after completion of the investigation, chargesheet was submitted.

5. During pendency of the application, the parties approached this court and filed affidavit stating therein that now, they have settled the dispute and the complainant is not willing to proceed with said report lodged by her.

6. The parties are present before the court. The contents of the settlement are verified from them. They have accepted the same and agreed for the same.

7. Besides the settlement, I have also considered the recital of the FIR as well as various statements of witnesses from which it reveals that as the applicant and the complainant have got acquaintance with each other and out

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of their acquaintance, friendship was developed between them and the physical relationship was also developed between them. It is apparent that the said physical relationship was continued approximately for more than one year. It is further revealed from the recital of the FIR that the physical relationship was consensual in nature.

8. Now, considering the settled law and the observations of the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab and anr, reported in (2002) 10 SCC 303** wherein it is 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".

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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.

9. In view of the above observations of the Hon'ble Apex Court and considering the peculiar facts in the present case, the relationship was consensual in nature and no purpose would be served by forcing the applicant to face trial. In view of that, the application deserves to be allowed.

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10. 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 is allowed, subject to costs and, therefore, following order is passed:

ORDER

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

(2) The FIR in connection with Crime No.580/2025 registered for offences under Sections 69, 351(2), and 352 of the BNS and the consequent proceeding arising out of the same bearing RCC No.5028/2025 pending before learned JMFC-6, Nagpur are hereby quashed and set aside to the extent of applicant Anshul s/o Deepak Wadhwani subject to costs of Rs.20,000/- by the applicant.

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

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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