



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

CRIMINAL APPLICATION (APL) NO. 1621 OF 2025

APPLICANTS

:- 1) Shri Sagar s/o Prakash Dhoke,
Aged about 34 years, Occu: Service.

2) Shri Prakash S/o Dadarao Dhoke,
Aged about 67 years, Occu: Retired.

3) Mrs. Vijaya w/o Prakash Dhoke,
Aged about 59 years,
Occu: Housewife.

All R/o Plot No. 181, Neeljyoti
Apartments Wardha Road, Nagpur.

4) Mrs. Shrutika Siddharth Karale,
Before marriage known as
Ku. Shrutika Prakash Dhoke, Aged
about __ yrs. Occu: Service, R/o
Village Hayapur, Tah. Daryapur,
District Amravati, presently residing
at Canada.

..VERSUS..

NON-
APPLICANTS

:- 1) State of Maharashtra,
through Police Station Officer,
Awadhootwadi Police Station,
Yavatmal, Maharashtra.

2) Mrs. Gauri Sagar Dhoke,
Before marriage known as Ku. Gauri
Deepakrao Kombe, Aged about 33
years, Occu: Service, R/o C/o

Shri Deepakrao Kombe, Sneh Nagar,
Arni Road, Besides Rana Pratap
Gate, Opp. House of Sadashiv
Thakare, Yavatmal, Maharashtra.

Mr. Shriram D. Deoras, counsel for applicants.
Mr. Nikhil Joshi, APP for non-applicant/State.
Ms. Parita N. Lakhani, counsel non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 17/03/2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally with the consent of learned counsel for the applicants, learned APP for non-applicant/State and learned counsel for the respondent No.2.
3. By this application, the applicants are seeking quashing of the FIR in connection with Crime No. 703 of 2022 registered under section 498(A), 504, 506 read with Section 34 of the Indian Penal Code, 1860, and the consequent proceedings arising out of the same bearing Regular Criminal Case No. 139 of 2023, pending before the Court of 3rd Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Yavatmal.
4. The crime was registered on the basis of a report lodged by the non-applicant No.2 on an allegation that her

marriage with the applicant No.1 was performed on 08/01/2021. After marriage, she resumed cohabitation but she was not treated well by the present applicants and therefore, she constrained to leave the matrimonial house and thereafter, she lodged the report.

5. During pendency of this application, the applicant and non-applicant No.2 entered into the settlement and decided to obtain a decree of divorce by mutual consent. Accordingly, they approached the Family Court, Nagpur and a decree of divorce has already been passed in their favour on 06/09/2023. Thus, they are already residing separately, and decree of divorce is already passed by the Court in favour of them. In view of that, the applicants are seeking quashing of the FIR.

6. In view of the observation of the Hon'ble Apex Court in the case of ***Gian Singh Vs State of Punjab reported in MANU /SC /0781/2012***, 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, 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.

7. In this regard, specific reference has been made to

the offences arising out of matrimony, particularly relating to dowry, etc. or the 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.

8. In view of the above observations of the Hon'ble Apex Court, the matrimonial dispute which is settled between the parties and therefore, continuation of the proceeding would be abuse of process of law. At the same time, the investigating agency has spared the time to investigate the matters, and the courts have also spared their time to its adjudication and therefore, the application deserves to be allowed, subject to the costs. In view of that, I proceed to pass the following order.

ORDER

- a] The criminal Application is **allowed**.
- b] The FIR in connection with Crime No. 703 of 2022 registered under section 498(A), 504, 506 read with Section 34 of the Indian Penal Code, 1860 and the consequent proceedings arising out of the same bearing Regular Criminal Case No. 139 of 2023, are hereby quashed and set aside against the present applicants, subject to the costs of Rs. 10,000/- by the applicants and Rs. 5000/- by the non-applicant No.2.

- c] The costs of Rs. 10,000/- shall be deposited in **Public Welfare Account No. 129712010001014, IFSC Code :UBINO812978, Branch: Union of India High Court Branch.**
- d] The order will come into effect after compliance of depositing the costs.
9. Pending application(s), if any, stands disposed of.

(URMILA JOSHI PHALKE, J.)