



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

CRIMINAL APPLICATION (APL) NO.1634 OF 2025

Pushpa w/o Ashok Ghavghawe and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Mankapur, Nagpur 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. Manoj Kumar Mishra, Advocate for applicants.

Mr. A. M. Kadukar, APP for non-applicant No.1/State.

Ms. K. A. Gowardipe, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/01/2026

1. Present application is preferred by the applicants for quashing of the FIR in connection with Crime No.422/2025 for the offence punishable under Sections 85, 74, 115(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 registered with Police Station, Mankapur, Nagpur, District Nagpur.

2. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that her marriage was performed with the applicant No.3 Shubham Ghavghawe. After marriage, she resumed cohabitation, but she was not treated well and she was subjected for physical as well as mental harassment at the hands of the present applicants.

3. During the pendency of the application, both parties arrived at a settlement and are present before the Court. They have decided to leave a part and also decided to file a petition for dissolution of marriage. The terms and conditions of the settlement are verified from the applicant as well as from the non-applicant No.2. They have agreed and accepted the terms and conditions of the settlement. In view of the decision of the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab and another** reported in **MANU/SC/0781/2012** 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 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 the family dispute, where the wrong is basically to the victim but 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 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. In a recent judgment of **Naushey Ali Vs. State of U.P., reported in (2025) 4 SCC 78**, wherein the similar view is taken by the Hon'ble Apex Court.

4. In view of that and considering the fact that the matrimonial dispute is between the parties, which is settled. However, considering the entire Court machinery is used as well as the police spared their time for the investigation purpose, the application deserves to be allowed subject to the cost of Rs.10,000/- by the applicants and Rs.10,000/- by the non-applicant No.2. In view of that, I proceed to pass following order:

ORDER

- (i) The application is **allowed**.
- (ii) The FIR in connection with Crime No.422/2025 for the offence punishable under Sections 85, 74, 115(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 registered with Police Station, Mankapur, Nagpur, District Nagpur, is hereby quashed and set aside to the extent of the present applicants, subject to the cost of Rs.10,000/- by the applicants and Rs.10,000/- by the non-applicant No.2.
- (iii) The cost be paid to the Vidharbha Lady Lawyers Association, Nagpur.

(4)

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(iv) The order will come into effect after compliance of the said order.

(v) The compliance be reported to this Court.

(URMILA JOSHI-PHALKE, J.)

Sarkate