



Judgment

16 apl2045.25

1

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

CRIMINAL APPLICATION APL NO.2045 OF 2025

1. Ruchir s/o Fulchand Gupta,
aged about 36 years, occupation: service.

2. Fulchand s/o Jagatnarayan Gupta,
aged about 67 years, occupation: retired.

3. Shakun Fulchand Gupta,
aged about 62 years, occupation: homemaker,
all r/o B-7, Anand Bungalows, Gayatri
Mandir Road, Mahavir Nagar,
Himmatnagar-383001, Sabarkantha,
Gujarat. **Applicants.**

:: VERSUS ::

1. The State of Maharashtra,
through Police Station Officer,
Police Station: Beltarodi, Nagpur-440037.

2. Sonam w/o Ruchir Gupta,
Nee Name Sonam d/o
aged about: 35 years, occupation: household,
r/o 73, Anand Palace, Flat No.76/A, Mehar
Baba Nagar, Chinchbhawan Wardha Road,
P.S.Beltarodi, Nagpur-440025,
Maharashtra. **Non-applicants.**

=====

Shri S.Paliwal, Counsel for Applicants.

Shri A.M.Joshi, APP for the State.

Shri V.V.Bharadwaj, Counsel for NA No.2.

=====

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

DATE : **07/04/2026**

ORAL JUDGMENT

1. Heard. **Admit.** Heard finally by consent.
2. By this application, present applicants are seeking quashing of FIR in connection with Crime No.223/2019 registered with non-applicant No.1 police station for offences under Sections 323, 494, 498-A, 504, and 506 read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.1665/2020 pending before learned JMFC, Court No.8, Nagpur.
3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegations that her marriage was performed with applicant No.1 and after the marriage, she resumed cohabitation. However, applicant No.1 has concealed about his first marriage and performed second marriage with her. She was subjected for ill-treatment physically as well as mentally and, therefore, she was constrained to leave the matrimonial house. On the basis of

3

the said report, the police have registered the crime against present applicants.

4. Investigation was carried out and after completion of the investigation, chargesheet was submitted.

5. During the pendency of the application, both parties arrived at a settlement and in view of the settlement, they have decided to obtain decree of dissolution of marriage. Accordingly, they approached the Family Court at Nagpur by filing a petition bearing Petition No.A-69/2021 and the consent terms are also filed before the Family Court. In view of the said consent terms, decree of dissolution of marriage is already passed by the Family Court at Nagpur.

6. The parties are present before this court. I have personally verified contents of the settlement from the complainant who appeared through Video Conferencing. She has agreed and accepted the said terms and conditions.

4

The applicants are also present before this court through the Video Conferencing. They have also accepted terms and conditions.

7. Undisputedly, offence under Section 498-A of the IPC is non-compoundable.

8. 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

5

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, the present application deserves to be allowed. At the same time, considering the entire investigation was initiated at the instance of the complainant as she has lodged the report and 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 and applicant No.1 and the

6

complainant have already obtained decree of divorce, the present application is allowed subject to costs and, therefore, following order is passed:

ORDER

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

(2) FIR in connection with Crime No.223/2019 registered with non-applicant No.1 police station for offences under Sections 323, 494, 498-A, 504, and 506 read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.1665/2020 pending before learned JMFC, Court No.8, Nagpur are hereby quashed and set aside to the extent of present applicants subject to costs of Rs.10,000/- by applicants.

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

7

(4) As no amount is paid to the complainant, the complainant is not directed to deposit the costs.

(5) Needless to mention that, this order will come into effect after depositing the said costs by applicants.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!