



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

CRIMINAL APPLICATION APL NO.435/2026

Somdutt Shyamsundar Tiwari and anr

..VS..

State of Mah., thr.PSO PS Gittikhadan, District Nagpur

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

Court's or Judge's Order

**Ms Nazia Pathan, Counsel for the Applicant.
Shri Nikhil Joshi, APP for the State.**

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 06/03/2026

1. Leave is granted to learned counsel for applicants to add applicant No.2 as non-applicant No.2.
2. The amendment be carried out forthwith.
3. The applicant and non-applicant No.2 are present before this court.
4. By this application, the applicant is seeking quashing of FIR in connection with Crime No.882/2021 registered with the non-applicant No.1 police station for offence under Section 498-A of the IPC and consequent proceeding arising out of the same bearing RCC No.4407/2024 pending before learned JMFC at Nagpur.
5. During the pendency of the present application, the parties have arrived at a settlement and they have decided to obtain decree of dissolution of marriage. The terms and settlement are verified from them and they have agreed to accept that they have decided to live apart and to obtain decree of dissolution of marriage.

6. 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."

7. At the same time, considering due to filing of the complaint, the investigating agency, this court, and the trial court have spent their valuable time in 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) FIR in connection with Crime No.882/2021 registered with the non-applicant No.1 police station for offence under Section 498-A of the IPC and consequent proceeding arising out of the same bearing RCC No.4407/2024 pending before learned JMFC at Nagpur are hereby quashed and set aside to the extent of present

applicant Somdutt Shyamsundar Tiwari subject to costs of Rs.10,000/- by the applicant and Rs.10,000/- by non-applicant No.2.

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

(4) This order will come into effect after the costs are deposited.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!