



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

CRIMINAL APPLICATION (APL) NO. 538 OF 2026

(Tarachand @ Rashish S/o Girdhar Tekade & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, Hudkeshwar Police
 Station, Dist. Nagpur & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N.D. Borkar, Advocate for the Applicants.

Mr. A.M. Joshi, APP for the Non-applicant No.1/State.

Ms. P.S. Kaware, Advocate for the Non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 16th MARCH, 2026

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No.344/2017 registered with Police Station, Hudkeshwar, Nagpur for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.2958/2017.

2. The crime is registered on the basis of the report lodged by the Informant/Non-applicant No.2 on an allegation that her marriage was performed with the Applicant No.1 and after marriage she resumed the cohabitation at the house of the present Applicants, however, she was not treated well and subjected to torture at the hands of the present Applicants, and therefore, she constrained to leave the matrimonial house.

3. During the pendency of this Application, the

parties arrived at a settlement and decided to take decree of divorce by mutual consent. In view of that, they have filed an application and obtained the decree of divorce. Today, the Applicant No.1 and Non-applicant No.2 both are present. The contents of the settlement are verified from them. They have agreed and accepted the same.

4. At this stage, the observations of the Hon'ble Apex Court in the case of *Gian Singh Vs. State of Punjab, reported in (2012) 10 SCC 303*, wherein the 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 a family dispute, where the wrong is basically to the victim but the offender and the 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, justice shall be casualty and ends of justice shall be defeated.

5. In view of the above observations and considering that the criminal law is set in motion on the basis of the report lodged, the entire Police machinery have spared their time for the investigation of the said crime as well as the Court has also spared the time, therefore the Application deserves to be allowed subject to the cost. In view of that, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
 - ii. The First Information Report bearing Crime No. 344/2017 registered with Police Station, Hudkeshwar, Nagpur for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.2958/2017 pending before the 8th Jt. Civil Judge Junior Division & Judicial Magistrate First Class, Nagpur, are 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. 5,000/- by the Non-applicant No.2, to be paid to the **“Public Welfare Account” in Account No. 129712010001014 IFSC Code : UBIN0812978** Union Bank of India, Branch High Court, Civil Lines, Nagpur.
 - iii. The order will come into effect after compliance of the payment of costs.
6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)