



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

CRIMINAL APPLICATION (APL) NO. 599 OF 2026

1. Govind Jairam Shahu,
Aged about 34 years,
Occu. Service,
Resident of Plot No.125, Ramai
Nagar, Near Ramai Buddh Vihar,
Nari Road, Nagpur
- APPLICANT**

// V E R S U S //

1. State of Maharashtra through
Police Station Officer, MIDC,
Nagpur City, Nagpur Tahsil and
District Nagpur
- NON-APPLICANTS**
2. Sunil Pralahadrao Marote,
Age 43 years, Occ- Service,
Resident of Plot No.48 Behind
Bhange Lawn, Trimurti Nagar,
Nagpur

Mr. A.H. Daga, Advocate for the applicant.
Mr. A.M. Joshi, APP for non-applicant No.1 /State.
Ms Ashwini S. Bhagawat, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 23.03.2026

ORAL JUDGMENT :

1. Heard.

2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.

3. The present application is preferred by the applicant for quashing of the First Information Report in connection with crime No.128/2023 registered at Police Station MIDC District Nagpur for the offences punishable under Sections 353, 332, 504 of the Indian Penal Code read with Section 85(1) Maharashtra Prohibition Act, 1949 and consequent proceeding arising out of the same bearing Charge sheet No.123/2023.

4. The crime is registered on the basis of the report lodged by non-applicant No.2 on an allegation that on 11.02.2023 he was on duty at that time applicant was found proceeding on his motor cycle under influence of liquor. When he was obstructed he has raised the dispute along with non-applicant No.2 and also assaulted to non-applicant No.2 and due to which he sustained the injuries. On the basis of the said report police have registered the crime against the present applicant.

5. During pendency of this application both parties arrived at settlement. Joint affidavit is filed on record. The

contents of the joint affidavit are verified from the non-applicant No.2 personally.

6. Applicant and non-applicant No.2 both are police constables. Especially applicant who is police constable has violated the law. The offence under Section 353 is non compoundable offence. However, considering they have amicably settled their disputes and considering the parameters laid down by the Hon'ble Apex Court in the case of **Gian Singh vs State of Punjab** reported in *(2012) 10 SCC 303* 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. However, considering the applicant is police constable who himself has not respected the law and therefore, cost requires to be imposed on him. In view of that application deserves to be allowed.

7. Hence, I proceed to pass the following order:-

ORDER

(i) The Criminal Application is allowed.

(ii) The First Information Report in connection with crime No.128/2023 registered at Police Station MIDC District Nagpur for the offences punishable under Sections 353, 332, 504 of the Indian Penal Code read with Section 85(1) Maharashtra Prohibition Act, 1949 and consequent proceeding arising out of the same bearing Charge sheet

No.123/2023 is quashed and set aside subject to costs of Rs.10,000/- to the extent of present applicant.

(iii) Costs be deposited in the 'Public Welfare Account' bearing No.129712010001014, IFSC Code UBIN0812978, Union Bank of India, Branch High Court, Civil Lines, Nagpur.

8. The criminal application stands disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)

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