



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

**CRIMINAL APPLICATION (APL) NO. 737 OF 2026**

Sau. Kamal Vijay Ghongale,  
(Ku. Kamal Ukandrao Jadhao),  
Aged about 65 years, Occ: Retired  
Police Inspector,  
R/o. Gurudwara, Prakash Nagar VMV,  
Amaravati -444604.

**APPLICANT**

**Versus**

1. State of Maharashtra,  
Thr. Police Station Officer P.S. Kotwali  
(Amaravati city), Dist. Amaravati.
2. Alkesh Dhanraj Sawarkar,  
Aged 22 years, Occ. Labour,  
R/o. Wadali Parihar pura, Amaravati,  
Dist. Amaravati.

**NON-APPLICANTS**

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Mr. N.G. Tikar, Advocate for the Applicant.

Mr. K.R. Lule, APP for the Non-applicant No.1/State.

Mr. S.Y. Rawate, Advocate for the Non-applicant No.2.  
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**CORAM : URMILA JOSHI PHALKE, J.**

**DATED : 06<sup>th</sup> APRIL, 2026.**

**ORAL JUDGMENT :-**

1. Heard.
2. **ADMIT.** Heard finally by the consent of learned Counsel for the respective parties.
3. Joint affidavit on behalf of the Applicant and Non-applicant No.2, is taken on record.
4. The present Application is preferred by the Applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the First Information Report in connection with Crime No.54/2026 registered with Police Station Kotwali, Amravati City for the offence punishable under Sections 125(a), 125(b) and 281 of the Bharatiya Nyaya Sanhita, 2023.
5. The crime came to be registered against the present Applicant on the basis of a report lodged by the Non-applicant No.2 on an allegation that on 09.02.2026 he received a message informing that his brother met with an accident, and therefore, he immediately rushed to the spot, at that time, he was informed that one Wagan-R Car bearing No.MH-40-KR-7969 driven by the present Applicant dashed against the vehicle of

the injured i.e. the brother of the Informant and he sustained injuries. On the basis of the said report Police have registered the crime against the present Applicant.

6. Subsequently, the Applicant and Non-applicant No.2 as well as the injured entered into the settlement. The settlement terms are filed before the Court, which shows that the Applicant has paid an amount of Rs. 2 Lakhs to the Non-applicant No.2 towards medical and incidental expenses of the injured. The injured as well as the Non-applicant No.2 both are present before the Court and the terms and conditions of the settlement are personally verified by me from them and they have agreed and accepted the terms and conditions of the settlement.

7. Admittedly, the nature of the offence is not heinous in nature. In view of that, the observation of the Hon'ble Apex Court in the case of ***Gian Singh Vs. State of Punjab, reported in (2012) 10 SCC 303***, is relevant, 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.

8. In view of the above observations of the Hon'ble Apex Court, the Application deserves to be allowed. In view of that, I proceed to pass the following order.

**ORDER**

- i. Criminal Application is **allowed**.
  - ii. The First Information Report in connection with Crime No.54/2026 registered with Police Station Kotwali, Amravati City for the offence punishable under Sections 125(a), 125(b) and 281 of the Bharatiya Nyaya Sanhita, 2023, is hereby quashed and set aside to the extent of the present Applicant.
9. Pending application/s, if any, shall stand disposed of accordingly.

**(URMILA JOSHI PHALKE, J.)**

*S.D.Bhimte*