



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

**CRIMINAL APPLICATION (APL) NO. 692 OF 2021**

**APPLICANT** :- Jaideep s/o Ratnadeep Wahane,  
Aged 38 years, Occu: Service,  
R/o Plot No. 121, Near Sonba  
Kirana Stores, Rambagh,  
Nagpur-440003.

**..VERSUS..**

**NON-  
APPLICANTS** :- 1) State of Maharashtra,  
through its Police Station Officer,  
Police Station Ajni, Nagpur (City),  
District Nagpur.  
2) Smita w/o Jaideep Wahane,  
Aged about 32 years, Occupation:  
Household, R/o Quarter No. 8/3,  
S.E.C.R. Railway Colony, Ajni,  
Nagpur.

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Mr. R.M. Patwardhan, counsel for applicant.  
Mr. A.M. Kadukar, APP for the non-applicant/State.  
None for non-applicant No.2.

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

**DATE** : **02/04/2026**

**ORAL JUDGMENT** :

1. Heard.
2. **ADMIT.** Heard finally with the consent of learned



counsel for the applicant and learned APP for State.

3. By this application the applicant is seeking quashing of FIR in connection with Crime No. 558 of 2020 registered with Police Station Ajni, Nagpur, for the offence punishable under Section 316, 323, 324, 406, 494, 498-A, 504 and 506 of the Indian Penal Code, 1860.

4. The crime is registered on the basis of a report lodged by non-applicant No.2, on an allegation that her marriage was performed with the applicant No.1 and after marriage, she resumed the cohabitation. However, she was not treated well and was subjected to taunts for various reasons. It is alleged that there was an unlawful demand, and for the fulfillment of the said demand, she was ill-treated physically and mentally and therefore she constrained to leave the matrimonial house. It is further alleged that the applicant has also performed the second marriage during the existence of the first marriage. On the basis of the said report, police have registered the crime against the present applicant.

5. During the pendency of this application, the applicant and non-applicant No.2 entered into a settlement,



and in view of the settlement terms, they approached the Family Court, Nagpur, for seeking a decree of dissolution of marriage by mutual consent. The said decree is also passed on 28/1/2026. In view of terms of the settlement, the applicant claimed for quashing of the FIR. The applicant and non-applicant No.2 both are present before the Court. The contents of the settlement are personally verified to the non-applicant No.2. She has agreed and accepted the said terms and contents of the settlement.

6. Though, the offence under Section 498A of IPC and the other offences are not non-compoundable one but considering the dispute arose out of the matrimonial dispute and in view of the observation of the Hon'ble Apex Court, in the case of *Gian Singh Vs State of Punjab reported in MANU/SC/0781/2012*, wherein it is 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 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 view of that, application deserves to be allowed.

7. At the same time, the present applicant and non-applicant no.2 has already obtained the decree of divorce but the application was pending. The investigating officer has spared his time in investigation, and the Court has also spared their time in adjudication. Therefore, the application deserves to be allowed subject payment of costs. In view of that, I proceed to pass the following order.

### **ORDER**

- a] The criminal Application is **allowed**.
- b] The FIR in connection with Crime No. 558 of 2020 registered with Police Station Ajni, Nagpur for the offence punishable under Section 316, 323, 324, 406, 494, 498-A, 504 and 506 of the Indian Penal Code, 1860, is hereby quashed and set aside against the present applicant subject to the costs of Rs. 10,000/- by the applicant and



Rs 5,000/- by the non-applicant No.2.

- c] The cost of Rs. 10,000/- be deposited in **Public Welfare Account No. 129712010001014, IFSC Code :UBINO812978, Branch: Union of India High Court Branch.**
- d] The order will come into effect after compliance of depositing the costs.
8. Pending application(s), if any, stands **disposed of.**

(URMILA JOSHI PHALKE, J.)