
(2026) 08 BOM CK 3118

In the Bombay High Court, Nagpur Bench

Case No : CRIMINAL APPLICATION [APL] NO. 1222 OF 2025

Devrao Sakharam Mate & Ors.

APPELLANT

Vs

The State Of Maharashtra & Anr.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Indian Penal Code, 1860 — Sections 498-A, 504 and 323, Chapter XX-A
Code of Criminal Procedure — Section 482, 320

Citation : (2026) 08 BOM CK 3118

Hon'ble Judges : M. W. Chandwani, J

Bench : Single Bench

Advocate : Mr. V. N. Patre, Mrs. H. N. Prabhu, Mr. G. M. Kubde

Final Decision : Allowed

Judgement

1. Heard. ADMIT. Taken up for final disposal forthwith by consent of the learned counsel appearing for the respective parties.

2. By this application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicants seek quashing of First Information Report (FIR) bearing No. 707/2024 registered with Police Station, Mahagaon, Dist. Yavatmal for the offence punishable under Sections 498-A, 504 and 323 of the Indian Penal Code, 1860 (IPC) and Charge sheet No. 43/2025 as well as consequent proceedings pending before the Judicial Magistrate, First Class, Mahagaon, Dist. Yavatmal.

3. The case of the prosecution, in brief, is as under :

i] Applicant no.7 is the husband of the complainant/non-applicant no.2. Whereas, applicant nos.1 to 6 are the relatives of applicant no.7. The marriage of the complainant with applicant no.7 was solemnized on 14.02.2023. After marriage the complainant went to reside with applicant no.7 at her matrimonial house. Out of the wedlock, the complainant and applicant no.7 were blessed with a daughter.

ii] On 22.11.2024, the complainant lodged report against the applicants alleging that after marriage, the applicants treated her with respect for three months. It is alleged that the applicants in connivance with each other started harassing and abusing the complainant on account of bringing Rs.1,00,000/- from her paternal house. Since, applicant no.7 was working at Pune, the complainant and applicant no.7 shifted to Pune and resided in a rented house there. It is alleged that applicant no.7 was having love relationship with the wife of the owner of the house where they were residing. It is further alleged that applicant no.7 threatened the complainant for life if she informed about his love relationship to any of his family members. It is also alleged that when the complainant informed about the relationship of applicant no.7 to the other applicants, they abused the complainant in filthy language and directed her to remain silent or go to her paternal house. The complainant informed her father about the same and due to said reason applicant no.7 assaulted her and the other applicants abetted him to do so. It is alleged that during that period the complainant got pregnant and the applicants were pressing her for abortion. Applicant no.7 forcibly admitted her in a hospital at Pune but the Doctor refused to proceed for her abortion. Thereafter, the applicants brought the complainant to the house and assaulted her and forcibly tried to give her abortion pills for aborting the child. Due to unbearable harassment, the complainant came to reside at her paternal house. It is also alleged that the applicants assaulted her and ousted her from her matrimonial house for not bringing dowry. On these allegations, the report was lodged on the basis of which the FIR came to be registered against the applicants for the aforesaid offences.

4. Heard Mr. V. N. Patre, learned counsel appearing for the applicants, Mrs. H. N. Prabhu, learned Additional Public Prosecutor appearing for non-applicant no.1/ State and Mr. G. M. Kubde, learned counsel appearing for non-applicant no.2/ complainant.

5. It is informed that the dispute between the complainant and the applicants has been settled. The complainant appeared through her counsel and filed an affidavit to that effect. It is taken on record and marked as "Exh.X" for identification.

6. The complainant has stated in the affidavit (Exh."X") that the matter has been settled amicably between the applicants and herself on certain terms and conditions mentioned therein. The complainant and applicant no.1 have decided to part their ways by filing proceedings for decree of divorce by mutual consent. It is further stated that the complainant does not want to continue with the criminal prosecution against the applicants and she has no objection if the FIR and the charge-sheet against the applicants are quashed.

7. The complainant is present in-person before the Court today. She is duly identified by her counsel. On an inquiry with the complainant, she has reiterated the facts stated in the affidavit.

8. Learned APP for the State raised an objection to the settlement arrived between the parties on the ground that the offence under Section 498-A of the IPC, registered against the applicant is non-compoundable in nature. Hence, the parties cannot settle the dispute amongst themselves.

9. With regards to the compoundability of offence, the Supreme Court in the case of Narinder Singh and others Vs. State of Punjab and another, reported in (2014) 6 SCC 466 has observed that "power conferred under Section 482 of the Cr.P.C. is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Cr.P.C. No doubt, under Section 482 of the Cr.P.C. the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution".

10. Reliance can also be placed on the decision in the case of B.S. Joshi and Ors. Vs. State of Haryana and Anr., reported at (2003) 4 SCC 675, wherein the Supreme Court in paragraph 14 has observed as under :

"14. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Penal Code, 1860 was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Penal Code, 1860."

11. In the present case, the dispute is of a private nature arising out of matrimonial discord. It also does not involve any issue affecting the society at large. It is a matrimonial dispute and the applicants and the complainant have resolved their dispute. The complainant and applicant no.7 have decided to part their ways to move on in their life. They have already filed the proceedings for divorce by mutual consent before the Civil Judge, Senior Division, Pusad. The continuation of prosecution will be hindrance in leading their peaceful life. In these circumstances, continuation of the criminal proceedings would serve no fruitful purpose. Therefore, in my view, this is a fit case for the exercise of inherent powers under Section 528 of the BNSS (old Sec.482 of Cr.P.C.) to secure the ends of justice and to prevent abuse of the process of the Court. Hence, the following order :

ORDER

1. The Criminal Application is allowed.

2. First Information Report (FIR) bearing No. 707/2024 registered with Police Station, Mahagaon, Dist. Yavatmal for the offence punishable under Sections 498-A, 504 and 323 of the Indian Penal Code, 1860 (IPC) and Charge sheet No.

43/2025 as well as consequent proceedings pending before the Judicial Magistrate, First Class, Mahagaon, Dist. Yavatmal, are quashed and set aside qua the applicants.

3. The application stands disposed of in the above terms.