

(2026) 08 BOM CK 3185

In the Bombay High Court, Nagpur Bench

Case No : CRIMINAL APPLICATION [APL] NO. 1771 OF 2026

Sumit S/o Prabhakar Agrey

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, 323, Chapter XX-A
Code of Criminal Procedure — Section 482, 320, Sec.482

Citation : (2026) 08 BOM CK 3185

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

Bench : Single Bench

Advocate : Ms. Khushi R. Kadu, Ms. Prachi T. Joshi, Mr. Raju Kadu

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. Ms. Prachi T. Joshi, learned Additional Public Prosecutor waives service of notice on behalf of non-applicant no.1.
3. Mr. Raju Kadu, learned counsel waives service of notice on behalf of non-applicant no.2/complainant.
4. By this application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicant seeks quashing of First Information Report (FIR) bearing No. 17/2022 dated 10.01.2022 registered with Police Station, Ajni, Nagpur for the offence punishable under Sections 498-A, 504 and 323 of the Indian Penal Code, 1860 (IPC) and Charge sheet No. 195/2024 as well as consequent proceedings bearing Regular Criminal Case No. 146/2025 pending before the 2nd Additional Chief Judicial Magistrate, Nagpur, on the ground of settlement between the parties.
5. The case of the prosecution, in brief, is as under :

i] The applicant is the husband of the complainant/non-applicant no.2. Their marriage was solemnized on 12.12.2019. After marriage the complainant went to reside at her matrimonial house at Nagpur. The complainant lodged report with Police Station, Ajni, Nagpur on 10.01.2022 alleging that soon after the marriage, the applicant asked the complainant to bring Rs.1,00,000/- from her parents. When the complainant refused to fulfill the demand, the applicant abused her.

ii] Thereafter, the applicant and the complainant as well as co-accused i.e. her mother-in-law shifted to Pune. It is alleged that even at Pune, the applicant and co-accused i.e. mother-in-law subjected the complainant to physical and mental harassment by taunting that she did not bring dowry in the marriage and also asked her to bring Rs.2,00,000/- from her parents. It is further alleged that when the complainant refused to fulfill the demand, the applicant and the co-accused discontinued the services of maid servant and she was compelled to do all the household work. Thereafter, the applicant and the co-accused used to abuse and harass the complainant every now and then. The co-accused took all the ornaments of the complainant in her possession on the pretext of keeping the same in a locker and did not return the same.

iii] Thereafter, the complainant got pregnant and due to her pregnancy, she was suffering with certain stomach related ailments. Therefore, in May-2020, the complainant came to her parents house at Dahegaon. It is alleged that when she was nine months pregnant, the fetus died in her womb. However, neither the applicant nor her parents-in-laws visited her thereafter. It is further alleged that the applicant and the co-accused are not allowing her to enter in the matrimonial house. The complainant is still residing at her parents house. 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.

6. Heard Ms. Khushi R. Kadu, learned counsel appearing for the applicant, Ms. Prachi T. Joshi, learned Additional Public Prosecutor appearing for non-applicant no.1/State and Mr. Raju Kadu, learned counsel appearing for non-applicant no.2/complainant. Though, the notice is yet to be issued to the non-applicants, non-applicant no.2/complainant suo-motu appears in person through her counsel.

7. It is to be noted that the FIR against the other co-accused has been quashed by this Court vide judgment and order dated 02.12.2025 in Criminal Application (APL) No. 610/2022. The complainant has filed an affidavit-in-reply contending that the matter has been settled amicably between the applicant and herself. The learned counsel for the complainant submitted that the decree of divorce by mutual consent has also been passed by the Family Court, Nagpur. It is further stated that since the complainant and the applicant have decided to part their ways and live a peaceful life separately, continuation of the criminal proceedings will be hindrance to the complainant for leading a peaceful life. It is further stated that the complainant does not want to continue with the criminal prosecution against the applicant and she has no objection if the FIR against the applicant is quashed.

8. 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.

9. 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.

10. 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".

11. 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."

12. 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 applicant and the complainant have resolved their dispute. The complainant and the applicant have decided to part their ways to move on in their life. The continuation of prosecution will be hindrance in leading peaceful life by the complainant. 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 bearing No. 17/2022 dated 10.01.2022 registered with Police Station, Ajni, Nagpur for the offence punishable under Section 498-A,

504 and 323 of the Indian Penal Code, 1860 and Charge sheet No. 195/2024 as well as consequent proceedings bearing Regular Criminal Case No. 146/2025 pending before 2nd Additional Chief Judicial Magistrate, Nagpur, are quashed and set aside qua the applicant, subject to the applicant depositing costs of Rs.10,000/- (Rupees Ten thousand only) with Tiroda Bar Association, Tiroda, Dist. Gondia within two weeks from today. The bank details of the Tiroda Bar Association are as under :

Account Name : Bar Association Tirora Account No. :594302010024631 IFSC No. : UBIN0559431 Bank name : Union bank of India, Branch Tirora

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