ABC 2025 (II) 237 SC

ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(Vikram Nath & Sanjay Kumar ,JJ.)

Criminal Appeal No.(s). of 2025

(Arising out of Special Leave Petition (Crl.) No. 7212 of 2025)

Decided on 14 July 2025

MADHUKAR & ORS. ***- Appellant(s).***

Versus

STATE OF MAHARASHTRA & ANR. ***- Respondent(s).***

Law Covered:-*(A) Code of Criminal Procedure, 1973 -- Section 482 (Bharatiya Nagarik Suraksha Sanhita, 2023 -- Section 528) -- Indian Penal Code, 1860 -- Section 376 (Bharatiya Nyaya Sanhita, 2023 -- Section 64) -- Quashing of FIR -- Non-compoundable Offences -- Settlement Between Parties -- Held, the inherent power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula &must be exercised with reference to the facts of each case -- While quashing proceedings involving grave &heinous offences like Section 376 IPC on the ground of settlement is ordinarily discouraged, it can be permitted in exceptional circumstances where the complainant has unequivocally expressed her desire not to pursue the case, has settled her personal life, &the continuation of proceedings would serve no useful purpose &amount to an abuse of process. (Paras 6-8)*

(B) Code of Criminal Procedure, 1973 -- Section 482 (Bharatiya Nagarik Suraksha Sanhita, 2023 -- Section 528) -- Quashing of Criminal Proceedings -- Abuse of Process -- Held, criminal proceedings can be quashed when their continuation would cause further disruption to the complainant's personal life &peace, especially when the complainant is settled, married, &consistently maintains that she does not support the prosecution -- In such circumstances, forcing the trial to continue would burden the courts without the likelihood of a productive outcome. (Paras 7-8)

Facts:-*The appeals arose from a common order of the Bombay High Court which dismissed petitions filed u/s 482 CrPC seeking quashing of two FIRs. The first FIR (Crime No. 302 of 2023) alleged assault by the appellants against the complainant &her family. The second FIR (Crime No. 304 of 2023) contained grave allegations, including u/s 376 IPC, against the appellant Prabhakar. Subsequently, the complainant in the second FIR filed*

an affidavit stating that the matter had been amicably resolved, she had received monetary compensation, she was now married, &she did not wish to pursue the prosecution. The High Court refused to quash the proceedings, citing the serious &non-compoundable nature of the offence u/s 376 IPC.

Law of relief:-*(i) While quashing proceedings involving grave & heinous offences like Section 376 IPC on the ground of settlement is ordinarily discouraged, it can be permitted in exceptional circumstances.*

(ii) Criminal proceedings can be quashed when their continuation would cause further disruption to the complainant's personal life & peace.

Counsel:-

For Petitioner(s): *Praseena Elizabeth Joseph.*

JUDGMENT

Vikram Nath, J.: -

1. Leave granted.

2. The present appeals arise from a common order dated 07.03.2025 passed by the High Court of Judicature at Bombay, Aurangabad Bench in Criminal Application Nos. 2561 and 2185 of 2024, whereby the High Court dismissed the petitions filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of criminal proceedings initiated against the appellants herein.

3. The facts giving rise to the present appeals are as follows:

3.1. FIR bearing Crime No. 302 of 2023 dated 20.11.2023 ("1st FIR") was registered at Mehunbare Police Station, District Jalgaon under Sections 324, 141, 143, 147, 149, 452, 323, 504, and 506 of the Indian Penal Code, 1860 against the appellants in SLP(Crl) No. 7212 of 2025.

3.2. A second FIR bearing Crime No. 304 of 2023 dated 21.11.2023 ("2nd FIR") was registered at the same police station under Sections 376, 354-A, 354-D, 509, and 506 IPC against the appellant in SLP(Crl) No. 7495 of 2025, giving rise to Sessions Case No. 29 of 2024.

3.3. The 1st FIR alleged that on 19.11.2023, the appellants formed an unlawful assembly and assaulted the complainant and her family members, including her father Prabhakar (appellant in SLP(Crl) No. 7495 of 2025), allegedly due to his role in causing the divorce of one of the appellants.

3.4. The 2nd FIR, filed the following day, contained grave allegations against Prabhakar, including sexual assault and criminal

intimidation. It was alleged that he had sexually exploited the complainant over the time, recorded videos of the act, and interfered with her subsequent matrimonial alliances.

3.5. However, in March 2024, the complainant in the 2nd FIR filed an affidavit before the High Court expressing her desire not to pursue the prosecution and stating that she had no objection to grant of bail to the accused. She further affirmed that the matter had been amicably resolved, and she had received Rs.5,00,000/- towards marriage-related expenses.

3.6. Based on the above, the appellants moved Criminal Applications Nos. 2561 and 2185 of 2024 before the High Court under Section 482 CrPC seeking quashing of both FIRs. By a common order dated 07.03.2025, the High Court rejected both applications, holding that an offence under Section 376 IPC being of a serious and non-compoundable nature, could not be quashed merely on the basis of a settlement or monetary compensation. The Court concluded that the compromise could not form the basis for quashing proceedings in such cases.

3.7. Aggrieved thereby, the appellants have approached this Court.

4. We have heard learned counsel for the parties.

5. It is brought to our attention that both parties have categorically taken the stand before this Court that they have resolved their disputes amicably and are desirous of moving on with their lives. The complainant in the 2nd FIR, now married and residing with her husband, has expressed that continuation of the prosecution would cause further disruption in her personal life and that she has no wish to support the charges or pursue the matter any further.

6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the

allegations and suggests that the second FIR may have been a reactionary step.

More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.

8. Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process.

9. Accordingly, the appeals are allowed. The impugned order of the High Court dated 07.03.2025 is set aside. FIR No. 302 of 2023 and FIR No. 304 of 2023, along with all proceedings arising therefrom, including Sessions Case No. 29 of 2024, stand quashed.

10 . Pending applications, if any, are disposed of.

Result:- Appeals allowed. Impugned order of the High Court set aside. FIR No. 302 of 2023 and FIR No. 304 of 2023 along with all proceedings arising therefrom, including Sessions Case No. 29 of 2024, stand quashed.