



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

CRIMINAL APPLICATION [APL] NO. 73 OF 2023

Gosairao Namdeo Nandekar and Others

-- **VERSUS** --

State of Maharashtra and Another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.A. Dhawas, Advocate for the Applicants.

Mr. K.R. Lule, A.P.P. for Non-applicant No.1/State.

Mrs. R.P. Godbole, (appointed) Advocate for Non-applicant
No.2.

CORAM : ANIL L. PANSARE, AND
M.M. NERLIKAR, JJ.

DATE : AUGUST 07, 2025.

On 31/07/2025, the following order was
passed:-

Heard.

*Non-applicant no. 2 lodged First
Information Report (FIR) against the applicants
with non-applicant no. 1 vide Crime No.
408/2022 for the offences punishable under
Section 498-A read with Section 34 of the
Indian Penal Code.*

*The parties have settled the dispute.
Joint pursis of compromise as also application to
quash the FIR has been filed. The parties are
present before the Court. We have interacted
with them to find that they have willingly
settled the dispute.*

One of the conditions in the compromise is that applicant no. 2 – husband shall pay to non-applicant no. 2 – wife an amount of Rs. 4 Lakhs towards one time settlement for maintenance. Out of which, amount of Rs. 2 Lakhs has been paid and the remaining amount of Rs. 2 Lakhs is agreed to be paid on next date before the Civil Judge Senior Division, Chandrapur. The scheduled date before the Civil Judge Senior Division, Chandrapur is tomorrow i.e. 1-8-2025.

In the circumstances, we deem it appropriate to let the amount be paid first and thereafter to proceed with the instant application.

List in the week commencing 4-8-2025. Presence of parties is exempted on next date.

2. We are informed that remaining amount of Rs.2,00,000/- has been paid to the non-applicant no.2 and that the decree of divorce has been passed. A Pursis to that effect has been tendered across the bar. The same is taken on record.

3. Thus, the dispute has been settled between the parties. The Non-applicant No.2 is not willing to continue with the prosecution.

4. That being so, though offence punishable under Section 498 A of the Indian Penal Code, 1860,

is non-compoundable, continuation of the prosecution will yield no useful result, rather will further put non-applicant no.2 to harassment of attending the proceedings, and in that sense, will amount to abuse of process of law.

5. As such, this is a fit case, where extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, could be invoked.

6. Accordingly, we **allow** application in terms of prayer Clause (1), which reads thus:-

“ To call for the record and proceedings of Crime No.0408/2022 registered at Police Station Ghuggus, District Chandrapur, against present applicants for the alleged offences p/u/s 498-A R/W 34 of the Indian Penal Code, 1860 and further be pleased to quash and set aside FIR dt. 25/12/2022.”

[M.M. NERLIKAR, J]

[ANIL.L. PANSARE, J]