



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 122 OF 2025

[Shweta Ashish Bhamode **vs.** State of Maharashtra, through P.S.,
Khaparkheda P.S., Khaparkheda, Tah. Saoner, Distt. Nagpur and ors.]

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

Court's or Judge's orders

Mr. A. J. Nagbhirey, Advocate for the applicant
Mr. N. H. Joshi, APP for the State/non-applicant no. 1
Mr. S. S. Sitani, Advocate for non-applicant nos. 2 to 5 and 11 to 13

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

DATED : 05-08-2025.

Heard.

2. The applicant – informant has filed application seeking to quash First Information Report (FIR) lodged by her on 20-11-2021 under Sections 143, 323 and 494 of the Indian Penal Code (for short 'IPC') and also charge-sheet filed before Judicial Magistrate First Class, Saoner being R.C.C. No. 100/2022.

3. The application is filed on the count that the parties have willingly settled the dispute. It is stated that divorce by consent has been obtained. The parties have decided to lead peaceful life.

4. The applicant is wife of non-applicant no. 2. Non-applicant nos. 3 to 13 are their relatives. The terms of settlement are annexed as annexure IV to the petition (page no. 81). The terms are signed by the applicant and non-applicant no. 2 and their counsel. The terms were filed before the Principal Judge, Family Court, Nagpur.

5. In view of the above, the applicant is not interested in prosecuting the case. As such, the quashing of proceedings ought to have been filed by the non-applicants, however, it is filed by the informant and accordingly, approached this Court with the aforesaid prayer.

6. We have interacted with the applicant and non-applicant nos. 2 and 3, who are present before the Court. The other non-applicants viz. non-applicant nos. 4 to 13 are not before the Court whose presence is being dispensed with for the reason that it is the informant, who has approached this court.

7. Considering the typical facts we will not delve more time into technicalities as to the locus of the applicant to file this proceeding. Suffice it to say that the parties have settled the dispute and continuation of prosecution remains a mere formality. In other words, continuation of proceedings will yield no useful result, rather will amount to abuse of process of law. We also find that the offence under Sections 323 and 494 are non cognizable and compoundable. The question remains is about offence punishable under Section 143, which pertains to punishment for unlawful assembly. The said provision has been invoked on the ground that while non-applicant no. 2 performed second marriage, the applicant appeared and her brother was assaulted by non-applicants.

8. We find it difficult as to how in such circumstances, the offence under Section 143 of the IPC could be made out. We also find that the offence under Section 494 can be taken cognizance of only upon written complaint filed by the aggrieved person in terms of Section 198 of the Code of Criminal Procedure, 1973 (for short Cr.P.C.). That has been not done in the present case.

9. Be that as it may, since the parties have decided to put the controversy to rest and since informant herself is not interested in prosecution, we are of the considered view that this is a fit case where extraordinary jurisdiction under Section 482 of the Cr.P.C. could be invoked. Accordingly, we allow the application in terms of prayer clause (a), which reads as under :

“a) Quash the FIR No. 492/2021, dated 20/11/2021 under section 143, 323, 494 of IPC and along with all the proceedings emanating therefrom i.e. charge sheet vide RCC No. 100/2022, which has been pending before Hon’ble JMFC, Saoner, in the peculiar facts and circumstances of the present case stated herein above and in the interest of justice.”

subject, however, the parties viz. the applicant shall pay Rs. 10,000/- and non-applicant nos. 2 to 13 collectively shall pay Rs. 10,000/-. The amount shall be deposited in this Court within two weeks from today.

10. Upon depositing amount, the Registry shall pay the same to Police Welfare Fund, Nagpur City, Nagpur.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

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