



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

CRIMINAL APPLICATION [APL] NO. 707 OF 2025

Shri Lekhraj s/o Bhojraj Tumsare 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. C.F. Bhagwani, Advocate for the Applicants.
Mrs. Shamasi Haider, A.P.P. for the Non-applicant No.1/State.
Mrs. B.Pandey, Advocate for the Non-applicant No.2.

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

DATE : AUGUST 13, 2025.

The application is for quashing the First Information Report No.0462/2022 as also the charge-sheet filed in Criminal Proceeding Regular Criminal Case No. 660/2023. The case is pending before the 8th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Nagpur for the offences punishable under Sections 504, 498-A, 494, 323 read with Section 34 of the Indian Penal Code, 1860. The parties have settled the dispute. The Pursis to that effect is tendered across bar and the same is taken on record. The Pursis is signed by applicant No.1 - Husband and respondent No.2 – Informant as also their counsel. The applicant No.1 and Non-applicant No.2 are present before the Court. They are identified by respective counsel.

2. We have interacted with the parties and are satisfied that they have willingly arrived at the settlement. The parties have obtained divorce by mutual consent. The applicant No.1 has deposited Rs.6,50,000/- before the Family Court, Nagpur in the proceeding filed for the decree of divorce by mutual consent. The applicant No.1 has given no objection to the non-applicant No.2 to withdraw the aforesaid amount, as one time settlement towards permanent alimony.

3. So for as, applicant Nos.2 to 6 are concerned, applicant No.2 is mother, applicant No.3 is brother, applicant no.4 is the sister-in-law, applicant No.5 is another brother and applicant No.6 is wife of applicant No.5. Their presence is exempted because main allegations, according to the counsels, is against the applicant No.1.

4. Thus, the parties have decided to put to rest the issues and to lead peaceful life. The non-applicant No.2 is not willing to prosecute the case. That being so, continuation of proceedings will yield no useful result, rather the parties including non-applicant No.2 will be put to unnecessary harassment, which will waste the precious time of the Court. In that sense, continuation of proceedings appears to us to be unjust. That being so, this is a fit case, where provisions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, should be invoked. Accordingly, we allow the application in terms of prayer clause No.(1), which reads as under:-

“ Pass an order thereby quashing the First Information Report No.0462/2022, dated 06.12.2022 and criminal proceeding no. Reg. Cri. Case no. 660/2023, State of Maharashtra—VS—Lekghraj Tumsare and others pending before 8th Joint Civil Judge, Junior Division and J.M.F.C. Nagpur, for the offences punishable under section 498-A, 504, 323, 494, 34 of I.P.C.”

5. The Criminal Application is disposed of in terms of above.

[M.M. NERLIKAR, J]

[ANIL.L. PANSARE, J]