



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

CRIMINAL APPLICATION (APL) NO. 985 OF 2025

[Sohel Rafique Sheikh and ors. **vs.** The State of Maharashtra, through the P.S.O.,
Kotwali P.S., Nagpur and anr.]

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

Court's or Judge's orders

Mr. Akash Joshi with Mr. N. R. Tiknayat, Advocates for the applicants
Mr. A. B. Badar, Advocate for non-applicant no. 1
Mr. R. R. Prajapati, Advocate for non-applicant no. 2

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

DATED : 11-08-2025.

On 6-8-2025, following order was passed.

“The matter is listed for removal of office objections. The objection is that the learned Counsel for the applicants has not supplied copy of application and, therefore, the notice could not be issued to non-applicant No.2. The objection further indicates that there are certain faint pages and the applicants need to replace it or file typed copy thereof.

02. Mr. R.R. Prajapati, learned Counsel appears for non-applicant No.2 and submits that he has filed Vakalatnama Online on 16th July, 2025. Despite such status, the Registry has failed to note that Vakalatnama has been filed.

03. The Registry shall file report on alleged lapse. So far as other objections are concerned, the applicants shall remove the same as expeditiously as possible.

04. Both the learned Counsel submit that dispute has been settled between the parties. At the joint request, stand over to 11th August, 2025.”

2. As could be seen, Mr. R. R. Prajapati, learned counsel for non-applicant no. 2 made a grievance that despite filing

Vakalatnama on 16-7-2025, the Registry failed to note the same.

3. The report of Registry was called, wherein we find that the mistake was not on the part of the Registry but was on the part of counsel himself, who has instead of filing Vakalatnama in OCR format, has filed it in PDF format. Because of filing Vakalatnama in PDF format, the same was not searchable/readable and accordingly, the Registry has rejected the filing of Vakalatnama in PDF format.

4. At this stage, Mr. Prajapati submits that his Clerk made a mistake of uploading Vakalatnama in PDF format. If that be so, the counsel should have inquired with the Clerk as to why is Vakalatnama not reflected.

5. Thus, it appears that the mistake lies with the office of counsel and not with the Registry. The counsel, henceforth, should be careful before making grievance. The counsel tenders apology. Accepted.

6. The applicants have approached the Court with a prayer to quash First Information Report (FIR) registered with Crime No. 243/2023 by non-applicant no. 2 against the applicants under Sections 498-A of the Indian Penal Code (for short 'IPC') as also the FIR registered with Crime No. 451/2023 for the offences punishable under Sections 354-A, 501, 506 and 509 of the IPC and Section 67 of the Information Technology Act, 2000. The second FIR is lodged only against the husband i.e. applicant no. 1.

7. The parties have settled the dispute. In the reply filed by non-applicant no. 2, she has stated that applicant no. 1 has deposited Rs. 3,25,000/- before the Family Court, Nagpur in a proceedings filed by non-applicant no. 2 against applicant no. 1

for dissolution of marriage and maintenance. The parties have decided to first get order of quashing the proceedings and thereafter to permit the non-applicant no. 2 to withdraw the amount so deposited by applicant no. 1.

8. Applicant no. 1 and non-applicant no. 2 are present before the Court. Presence of applicant nos. 2 to 4 is dispensed with as inconsequential.

9. Both the parties are identified through counsel. We have interacted with them. We find that they have willingly arrived at a settlement and have decided to put to rest the pending issues and to lead a peaceful life.

10. That being so, though offences punishable under Sections 498-A and 354-A of IPC are non-compoundable, continuation of proceedings will yield no useful result, rather, will amount to wastage of time of the parties as also the Court.

11. Thus, continuation of proceedings appears to us to be unjust. We are, therefore, of the view that this is a fit case where extraordinary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 could be invoked. Accordingly, we allow the application in terms of prayer clauses (i) and (ii), which read as under :

“(i) quash and set aside the FIR dated 14/06/2023 lodged by the respondent no. 2 against the applicants with the respondent no. 1 Police Station vide Crime No.243/2023 (ANNEXURE A) and all proceedings in Regular Criminal Case No.4321/2023 pending trial on the file of 9th Judicial Magistrate First Class, Court no.8 at Nagpur.;

(ii) quash and set aside the FIR dated 13/10/2023 lodged by the respondent no. 2 against the applicant no. 1 with the respondent no. 1 Police Station vide Crime No. 451/2023 (ANNEXURE C) and all proceedings in

Regular Criminal Case No.1664/2024 pending trial on the file of 5th Joint Civil Judge Junior Division and Judicial Magistrate First Class, at Nagpur.;"

12. The application is disposed of in above terms.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

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