



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

CRIMINAL APPLICATION (APL) NO. 1072/2025

1. Nitesh S/o. Sandeep Trehan (Husband),
Aged about 35 yrs., Occ. Service,
2. Sandeep S/o Vishwamitra Trehan (father-in-law),
Aged about 64 yrs., Occ. Retired,
3. Sweety w/o. Sandeep Trehan (mother-in-law)
aged about 59 yrs., Housewife;

All R/o. 52 Phase – 2 Swami Colony,
near Aakar Nagar, Katol Road, Nagpur,
Maharashtra – 440013.

...APPLICANTS

VERSUS

1. State of Maharashtra,
through the Police Station Officer,
Gittikhadan Police Station, Nagpur,
Maharashtra.
2. Mrs. Jagjyot w/o. Nitesh Trehan (wife)
Aged about 30 yrs., Occ. Private,
R/o. Flat No. 210A – Wing, Rachna
Vishwa Apartment, K.T. Nagar, Katol
Road, Nagpur, Maharashtra – 440013.

NON-APPLICANTS

Mr. Sahil Dewani, Advocate for applicants.
Ms. Ritu Sharma, APP for non-applicant No.1.
Mr. Swapnil A. Jamkar, Advocate for non-applicant No.2.

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

DATE : 01.08.2025

ORAL JUDGMENT : (PER: ANIL L. PANSARE, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. By consent of parties, heard finally.

3. On 30.07.2025, following order was passed:-

“This is an application for quashing of the F.I.R. registered under Sections 85, 115(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The application is filed on the basis of the settlement arrived at between the parties.

2. Today, the wife, namely, Mrs. Jagjyot W/o. Nitesh Trehan and the husband, namely, Nitesh S/o. Sandeep Trehan are present in the Court. The wife has consented for quashing of the F.I.R., however, the proceedings before the Family Court is pending in respect of divorce. It is submitted by the learned counsel for the applicants that the divorce proceedings would be converted into proceedings under Section 13B of the Hindu Marriage Act, 1955.

3. In this view of the matter, list the matter on 01/08/2025.”

Correction is
carried out as per
Court's order
dated 08.08.2025

4. Learned counsel for the parties are present before the Court. The counsels for both the parties submit that the proceedings before the Family Court has been converted into proceedings under Section 13B of the Hindu Marriage Act, 1955. The counsels further submit that applicant No.1 has paid to non-applicant No.2 an amount of Rs.28,00,000/- towards one time settlement of maintenance. Learned counsel for non-applicant No.2 submits that the proceedings filed by her under the provisions of Protection of Women from Domestic Violence Act will be withdrawn in due course. Statement is accepted.

5. Thus, the parties have decided to settle the dispute and to lead peaceful life. That being so, and considering the nature of dispute and subsequent developments, continuation of proceedings will yield no useful result and rather will amount to abuse of the process of law.

6. The Hon'ble Supreme Court in the case of ***Madhukar and Ors. Vs. State of Maharashtra and anr. 2025 SCC Online SC 1415*** while quashing offence punishable under Section 376 of the Indian Penal Code on the basis of compromise made between the parties held that, though the offence is grave and heinous, and quashing of such

offence is discouraged, the power of Section 482 of the Code of Criminal Procedure 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 light of above, since the continuation of proceeding remains a futile exercise, we find this case fit for invoking jurisdiction under Section 528 of the BNS (Section 482 of the Code of Criminal Procedure). Hence, following order:-

(I) Application is allowed in terms of prayer clause (a), which reads thus:-

“(a) By way of an appropriate order or direction, allow the present Application and quash and set aside the FIR bearing No. 353/2025, dated 31/05/2025 (Annexure-B), and Chargesheet bearing R.C.C. No. 2348/2025, dated 13.06.2025, (Annexure-C) pending before the Hon’ble 7th Jt. Civil Judge Junior Division & Judicial Magistrate First Class, Nagpur, registered by Non-Applicant No.1 for the offences punishable U/s 85, 115(2), 352, and 3(5) of Bhartiya Nyay Sanhita, 2023, on the basis of Mutual Consent terms dated 28.07.2025, (Annexure-D).”

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)