



-131-2023

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

CRIMINAL APPLICATION NO. 131 OF 2023

(Mangesh s/o Prakash Mohod & Ors. Vs. State of Maharashtra & Anr.)

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

Court's or Judge's orders.

Mr. K.S. Ganorkar, Counsel for the applicants.
Mr. S.S. Doifode, A.P.P. for non-applicant no.1/State.
Mr. K.U. Fule, Counsel for non-applicant no.2.

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CORAM : ANIL L. PANSARE AND
M.M. NERLIKAR, JJ.
AUGUST 4, 2025

The parties have tendered across the bar an affidavit stating therein that the dispute has been settled.

2] As such, the First Information Report has been lodged by non-applicant no.2 – wife of applicant no.1, against the applicants under Sections 498A, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short “I.P.C.”), and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short “Act of 1961”), vide Crime No. 960/2022, the parties have now decided to put to rest the dispute.

3] Non-applicant no.2 has filed an application under Section 13B of the Hindu Marriage Act, 1955. Thus, the parties have decided to obtain divorce by mutual consent. We are informed that divorce has, in fact, been granted. We are further informed that applicant no.1 has given an amount of Rs.1,00,000/-, along with gold ornaments, to non-applicant no.2. Non-applicant no.2 has

no further claim against the applicants. Accordingly, the dispute has been resolved.

4] Applicant nos. 1 and 3 and non-applicant no.2 are present in the Court. We have interacted with them to find that the dispute has been willingly settled. Non-applicant no.2 submits that she is not interested in prosecuting the matter.

5] That being so, though the offences under Section 498A of the I.P.C. and Sections 3 and 4 of the Act of 1961 are non-compoundable, considering the fact that the parties have resolved the dispute, and more importantly, non-applicant no.2 is not willing to prosecute the matter, continuation of same will yield no fruitful result, rather will amount to abuse of process of law and will unnecessarily cause further harassment to non-applicant no.2. This, according to us, is, therefore, a fit case, where jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, should be invoked. Hence, following order :

ORDER

The application is allowed in terms of prayer Clause (i), which reads thus :

“(i) Allow the application and thereby quash and set aside the First Information Report dated 05.12.2022 registered vide Crime no. 960/2022 for offences under section 498-A, 504, 506 r/w 34 of the Indian Penal Code and section 3 and 4 of the Dowry Prohibition Act, 1961 registered by the non-applicant no.1 Police Station (Chikhali Police Station, Tal: Chikhali, District: Buldhana) on the complaint of the non-applicant no.2 in the interest of justice.”

CRIMINAL APPLICATION NO. 1591 OF 2025

6] By present application, the prosecution is seeking permission to file chargesheet. However, considering the fact that the dispute has been settled and the First Information Report has been quashed, no useful purpose will be served by filing chargesheet.

7] The application is accordingly disposed of.

(JUDGE)

(JUDGE)

Sumit