



Judgment

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

CRIMINAL APPLICATION [APL] No. 1115 OF 2025.

Shri Devendra @ Shubham s/o Narendra
Fating, Aged about 28 years, Occupation –
Service, at present resident of Ambika Niwas,
Hiwari Layout, Bhandara Road,
Nagpur. Mob. No.9579583879 ... **APPLICANT.**

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Nandanvan P.S. Nagpur.

2.Miss Akansha d/o Shekhar Vaidya,
Aged about 26 years, Occupation -
Service, Resident of Plot No.108,
Mahajan Layout, Hivri Nagar,
Nagpur. ... **NON-APPLICANTS.**

Mr. N.S. Giripunje, Advocate for the Applicant.
Ms K.Thakur, A.P.P. for Non-applicant No.1.
Shri A.A. Mardikar, Advocate for Non-applicant No.2.

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

DATE : AUGUST 14, 2025.

Rgd.

ORAL JUDGMENT (Per Anil L. Pansare, J) :

Heard. Issue Rule, returnable forthwith. Ms K. Thakur, learned A.P.P. waives service for Non-applicant No.1 and Mr. A.A. Mardikar, Advocate waives service for Non-applicant no.2. With consent of the learned Counsel for the parties, the application is taken up for final hearing.

2. The present Application is filed by the applicant seeking to quash the Chargesheet No.150/2020 bearing Regular Criminal Case No.2026/2020 pending on the file of Judicial Magistrate, First Class, Nagpur, which arises from the first information report No.104/2020 dated 29.02.2020 registered with Nandanvan Police Station, Nagpur for the offence punishable under Sections 354-D, 452, 294, 506[B] of the Indian Penal Code.

3. It appears from the record that applicant and non-applicant no.2 were acquainted to each other. The applicant exceeded his limits which resulted into lodging of the above first

information report at the hands of the non-applicant no.2. The non-applicant no.2 is now married and finds herself safe. According to her the alleged apprehension from the applicant no more survives.

4. In view of subsequent developments, the parties have resolved the dispute amicably. An affidavit to that effect is filed by the non-applicant no.2. She has stated that she is not willing to prosecute the case and has no objection if the proceedings are quashed.

5. The applicant and non-applicant no.2 are present before the Court. They are identified by their respective Counsel. We have interacted with both of them, and we are satisfied that the dispute has been amicably settled.

6. That being so, though the offence punishable under Sections 354-D and 452 are not compoundable, the continuation of the proceeding will yield no useful result, rather it will cause the non-applicant no.2 to suffer further harassment, as she will be required to attend the proceedings. Further more when the non-

applicant no.2 has decided not to prosecute the applicant, we find that the time which would be required to adjudicate the matter, can be utilised in dealing with other pending matters. In other words, continuation of proceeding would be a futile exercise. We thus, find this case fit for invoking the extra ordinary jurisdiction under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023. Accordingly, we allow the application in terms of prayer clause (i), which reads thus:-

“(i) Quash and set aside the Chargesheet bearing No.150/2020 dated 24.09.2020 its Regular Criminal Case No.2026/2020 arising out of F.I.R. No.104/2020 for offence punishable under section 354-D, 452, 294, 506[B] of the Indian Penal Code, 1860 pending before 13th Joint Civil Judge Junior Division and Judicial Magistrate First Class at Nagpur, in the interest of justice.”

7. Rule is made absolute in aforesaid terms.
8. Pending Misc. Applications, if any, also stands disposed of.

JUDGE

JUDGE