



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

CRIMINAL APPLICATION [APL] NO. 1116 OF 2025

Manoj Singh S/o Umesh Singh Gaur 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. R.R. Prajapati, Advocate for the Applicants.

Mrs. Shamsi Haider, A.P.P. for the Non-applicant No.1/State.

Mr. Rushikesh Gatlewar, 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.655/2024 dated 11/07/2024 as also the charge-sheet No.229/2024 filed in Criminal Proceeding Regular Criminal Case No.3214/2024. The case is pending before the 17th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Nagpur for the offences punishable under Sections 85, 115(2), 352, 351(2)(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023. The parties have settled the dispute. A Joint Pursis to that effect is tendered across bar and taken on record. The Pursis is signed by applicant No.1 - Husband and non-applicant 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 counsels submit that the applicant No.1 has deposited Rs.5,00,000/- 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. The parties have agreed to convert the proceeding filed under Section 12 of the Hindu Marriage Act, 1955, into Section 13-B thereof. The Non-applicant No.2 has withdrawn the proceeding filed under the Protection of Women from Domestic Violence Act, 2005.

3. 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.

4. 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 also 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:-

“ quash and set aside the FIR lodged by the non-applicant No.2 under Section 85, 115(2), 352, 351(2), 351(3), 3(5) of B.N.S. Act vide FIR No. 655/2024 dated 11.7.2024 of with the non-applicant No.1 PS. MIDC, Nagpur and herein charge-sheet No. 229/2024 dated 20.8.2024 under Section 85, 115(2), 352, 351(2), 351(3), 3(5) of B.N.S. Act and the said matter is pending before learned 17th Joint Civil Judge Junior Division, Nagpur vide RCC No. 3214/2024;”

5. The amount of Rs.5,00,000/- shall be withdrawn once the present First Information Report is quashed. The Criminal Application is disposed of in terms of above.

[M.M. NERLIKAR, J]

[ANIL.L. PANSARE, J]