



Judgment

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

CRIMINAL APPLICATION [APL] No. 1131 OF 2025.

1.Sureshsingh s/o Onkarsingh Bais,
Aged about 56 years, Occupation –
Service, resident of Plot No.219, Flat No.104,
K.T. Nagar, Shreyash Apartment,
Nagpur-440013.

2.Ganeshsingh s/o Onkarsngh Bais,
Aged about 47 years, Occupation -
Private, resident of Near Gandhi Putla,
Surendragad, Seminary Hills,
Nagpur – 440013.

... **APPLICANTS.**

VERSUS

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

2.Vandanasingh s/o Sureshsingh Bais,
Aged about 50 years, Occupation -
Housewife, Resident of Plot No.219,
Flat No.104, K.T. Nagar, Shreyash
Apartment, Nagpur-440013.

... **NON-APPLICANTS.**

Mr. R.R. Prajapati, Advocate for Applicants.
Ms K.Thakur, A.P.P. for Non-applicant No.1.
Mr. S. Singh, Advocate for Non-applicant No.2.

Rgd.

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

DATE : AUGUST 14, 2025.

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. S. Singh, 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. This Application is filed seeking to quash the first information report No.4/2024 dated 05.01.2024 registered with Gittikhadan Police Station, Nagpur for the offence punishable under Sections 354, 323, 324, 504 read with Section 34 of the Indian Penal Code.

3. The first information report was lodged by the non-applicant no.2 wife against her husband -applicant no.1, and her

Rgd.

brother-in-law – applicant no.2. The investigation culminated into filing charge sheet and proceeding in that respect is pending before the Judicial Magistrate, First Class, Nagpur being R.C.C.No.3548/2024.

4. The learned Counsel for applicants submits that parties have settled the dispute amicably. The applicant no.1 and non-applicant no.2 were married to 30 years ago. They continued to reside together even after lodging report. The report is an outcome of some scuffle, that occurred in a spur of moment. Infact both parties had lodged first information reports. The report lodged by the applicant no.1 culminated into filing charge sheet, in which the non-applicant no.2 was tried and was acquitted, because the applicant no.1 deposed before the Court that the report was lodged in a heat of anger.

5. What remains now is the proceedings against the applicants. The parties have settled their dispute. Rather we are made to believe that there was no dispute at all, because parties continued to reside together even after lodging the report.

6. The applicants and non-applicant no.2 are present before the Court. They are identified by their respective Counsel. They have filed joint pursis on record. We have interacted with both of them, and are satisfied that the dispute has been amicably settled.

7. In view of above, continuation of the proceeding will yield no useful result, rather it will cause the applicants and non-applicant no.2 to suffer harassment, as they will be required to attend the proceedings. Further more when they have decided not to continue with the proceeding, in our opinion 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 FIR lodged by the non-applicant no.2 under Section 354, 323,, 324, 504 and 34 of I.P.C. with the non-applicant no.1 against the applicants on 5.1.2024 bearing FIR No.4/2024 and after that the police filed final charge-sheet on 18.8.2024 bearing Charge-sheet No.148/2024 hearing said charge sheet registered as RCC No.3548/2024, pending before the learned Judicial Magistrate First Class, Nagpur.”

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

JUDGE

JUDGE