



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

CRIMINAL APPLICATION (APL) No.1674 OF 2025

(Shantanu s/o. Parshuram Dorve and others Vs. State of Maharashtra, through PSO, PS
Hudkeshwar, Nagpur 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. S.B. Hemke, Advocate for applicants.
Mr. A.J. Gohokar, APP for non-applicant No.1.
Ms. Tejal A. Agre, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.

DATE : 21th NOVEMBER, 2025.

1. Vide order dated 11.11.2025 we had referred the matter to the Registrar (Judicial) to verify the authenticity and identities of the parties and submit a report to this Court.

2. Pursuant to that order the Registrar (Judicial) has submitted report thereby stating that the applicant No.2, applicant No.3 along with their Advocate as also non-applicant No.2 along with her advocate were present and they have verified the authenticity of the compromise entered into between the parties.

3. Today, through V.C. we have identified and verified the contents of the affidavit from the applicant No.1, who happens to be the husband of non-applicant No.2.

4. In view of the same and in view of the joint affidavit filed on record by the parties, we are of the considered opinion that the offence complained of is punishable under Section 498A of the Indian Penal Code. We are reproducing para No.2

of the joint affidavit as under :

“2. It is submitted that between the Deponent No.1 to 4 and Deponent No.5 as well as parents of Deponent No.5, amicable settlement has been done out of the court and both Deponent No.1 and Deponent No.5 has filed Petition for dissolution of marriage by mutual consent before Hon’ble Family Court at Nagpur same has been registered as Petition-F No.750/2025 and terms and conditions have been settled as per the petition for mutual divorce and both Deponent No.1 and Deponent No.5 are agreed for mutual divorce and hence as per settlement, deponent no.5 wants to withdraw the allegations made in F.I.R. vide Crime No. Crime No.353/2025 for the offence punishable 498(a), 504, 506, 34 of IPC registered with Police Station Hudkeshwar, Nagpur.”

5. True, it is that that no offence under Section 498A is not non-bailable. However, in view of the judgment **Preeti Gupta and another Vs. State of Jharkhand and another**, reported in (2010) 7 SCC 667 and **Gian Singh Vs. State of Punjab and another**, reported in 2012(10) SCC 303, we pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The Proceeding registered on the basis of F.I.R. vide R.C.C. No.3288/2025 vide Crime No.353/2025 with Hudkeshwar Police Station, Nagpur for the offence punishable under Sections 498A, 504, 506 and 34 of the Indian Penal Code, pending before the 8th Joint Civil Judge, Junior Division and Judicial Magistrate, First class, Nagpur are hereby quashed

and set aside, as far the applicants are concerned.

(iii) The application is disposed of accordingly.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

Wadode