



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

CRIMINAL APPLICATION [APL] NO.737 OF 2024

[Maulik Yashwantray Joshi and others .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Shri R.R. Gautam, Advocate for Applicants.
Ms. Soniya Thakur, APP for Non-Applicant No.1/State.
Shri Rakesh Dwivedi, Advocate for Non-Applicant No.2.
.....

CORAM : PRAVIN S. PATIL, J.

DATED : JANUARY 14, 2026.

1. This court by order dated 18.11.2025 has recorded the fact that though there is an order of this court not to file the chargesheet, same was filed by the investigation officer and, therefore, explanation was sought as to why the chargesheet is filed without seeking permission of this court. Thereafter, by order dated 07.01.2026, this court asked the investigation officer to remain present and file the affidavit as to how the chargesheet was filed without seeking permission of this court.

2. In the light of orders of this court, the investigation officer has filed affidavit dated 08.01.2026 and submitted his explanation as under :

“It is humbly submitted here that, as per the Log Book, the chargesheet bearing No.68/2024 was placed before the learned Judicial Magistrate, First Class, Nagpur on 26.03.2024 in RCS No.1660/2024 but it was taken on record with the learned Judicial Magistrate, First Class, Nagpur on 07.05.2024. It is therefore further submitted that, as the chargesheet was already placed with the Judicial Magistrate, First Class on 26.03.2024, the order dated 02.05.2024 was passed after placing of chargesheet by the Answering Respondent. It is submitted here that, the Answering Respondent is furnishing his unconditional apology

for there being miscommunication on the part of Answering Respondent and, therefore, the chargesheet came to be taken on record by the learned Judicial Magistrate, First Class on 07.05.2025 i.e. subsequent to passing of the order by this Hon'ble Court."

3. As such, it is pointed out that there was miscommunication as the order dated 02.05.2024 was not communicated to the Judicial Magistrate, First Class well within time and, therefore, the chargesheet was taken on record on 07.05.2024. Hence, in my opinion, the explanation tendered by the investigating officer is satisfactory and only because of miscommunication, the chargesheet came to be filed in the matter.

4. Both the parties pointed out that during the pendency of the present application, this matter was referred to the mediation. Before the learned Mediator, the parties entered into the mutual agreement. The same was duly signed by both the applicant and non-applicant no.2 before the Mediator. Non-Applicant No.2 states that in view of mutual agreement, she do not want to proceed with the matter. In view of Judgment of Hon'ble Supreme Court of India in case of ***B.S. Joshi .vs. State of Haryana***, reported in ***(2003) 4 SCC 675***, there is no impediment to quash and set aside the proceeding arising out of matrimonial dispute.

5. Hence, Application is allowed in terms of prayer Clause (B) of the application.

6. No order as to costs.

(PRAVIN S. PATIL, J.)