



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

CRIMINAL APPLICATION (APL) NO.102 OF 2026

APPLICANT :- Dyaneshwar s/o Manchakrao Malwe,
Aged about 41 years, Occupation:
Service, R/o Post Nakadongri VTC:
Naka Dongri, Tahsil-Tumsar, District
Bhandara.

..VERSUS..

NON-
APPLICANTS :- 1) State of Maharashtra,
through Police Station Gobarvahi,
Bhandara.
2) XYZ in Crime No. 328/2024,
through Police Station Gobarwahi,
District Bhandara.

Mr. Ishant Vinodkumar Tambi, counsel for applicant.
Mrs. H.N. Prabhu, APP for non-applicant/State.
Mr Ganesh S. Kidambi, counsel for non-applicant No.2. .

CORAM : URMILA JOSHI PHALKE, J.

DATE : 11/03/2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally by consent of learned counsel for the applicant, learned APP for non-applicant/State and learned counsel non-applicant No.2.
3. Present application is preferred by the applicant under Section

528 of Bharatiya Nyaya Sanhita, 2023 for quashing of the FIR and the consequent proceedings arising out of the same bearing Session Trial No. 64/2025 pending before the District and Sessions Court, Bhandara in Crime No. 328/2024.

4. During pendency of this application, both parties have arrived at settlement. The non-applicant no.2 is present before this Court and she has filed an affidavit on record with contention that the FIR came to be lodged under the misunderstanding and she is settling the dispute without any pressure, coercion or undue influence from any side. She has further stated that the FIR came to lodged under the confused state of mind and now she has no grievance against the present applicant. She does not wish to pursue the criminal proceedings arising out of the aforesaid FIR and the Chargesheet.

5. The allegations levelled against the present applicant on the basis of the FIR is that, on 02/11/2024, the present applicant made a phone call to her, and expressed his feelings, as well as outraged her modesty by physically touching her and asking the sexual favours. On perusal of the investigation papers, as far as the telephonic call is concerned, no CDR reports has been collected by the investigating agency.

6. The non-applicant No.2 has filed an affidavit before this Court. I have personally verified about the contents of the affidavit and she has agreed and accepted the same.

7. On the contrary, it appears that there was some money transactions between the parties and dispute arose from the said money transactions and thereafter, the FIR came to be lodged. Even accepting the allegations as it is on merits, it is not substantiated by any material to show that the present applicant made a phone call to the non-applicant-

No.2. Thus, even on merits, the applications deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
 - b] The FIR in connection with Crime No. 328/2024 registered with respondent No.1 police station for the offence under Sections 74 and 75(1)(i) of Bhartiya Nyaya Sanhita, 2023 and consequent proceedings arising out of the same bearing Sessions Trial No. 64/2025 pending before the learned District and Sessions Court, Bhandara, in Crime No. 328/2024 is hereby quashed and set aside to the extent of present applicant only.
8. The criminal application is **disposed of**.

(URMILA JOSHI PHALKE, J.)