



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

CRIMINAL APPLICATION (APL) NO.1639 OF 2026

1. Ramvilas Shankarlal Jaiswal
Aged about 83 years, Occ:nil
R/o State Bank of India Colony,
Arvi, Tahsil Arvi, Dist. Wardha.
2. Jagannath S/o Mukutdhari Belwe
Aged about 82 years, Occ: Nil,
R/o Gaurakshan Wardh, Arvi,
Tahsil Arvi, Dist. Wardha.
3. Dilipkumar S/o Chouthmal Khandelwal,
Aged about 68 years, Occ: Nil,
R/o Ganpati Ward, Arvi,
Tahsil Arvi, Dist. Wardha.
4. Manoharlal S/o Fattelal Agrawal
Aged about 83 years, Occ: Nil
R/o Mahavir Ward, Arvi,
Tahsil Arvi Dist. Wardha.
5. Kanhaiylal S/o Madanlal Sadani
Aged about 83 years, Occ: Nil
R/o Ganpati Ward, Arvi
Tahsil Arvi Dist. Wardha.
6. Niraj S/o Jagannath Belwe,
Aged about 46 years, Occ: Cultivator,
R/o Gaurakshan Ward, Arvi
Tahsil Arvi, Dist. Wardha.
7. Nandkishor S/o Laxmansingh Dixit,
Aged about 76 years, Occ: Nil
R/o State Bank Colony, Arvi
Tahsil Arvi, Dist. Wardha.

...APPLICANTS

...V E R S U S...

1. The State of Maharashtra,
through Police Station Officer,
Arvi Tahsil, Arvi, District Wardha.
2. Nitin s/o Ramdas Lohe
Aged about 49 years, Occ: Business,
R/o Balaji Ward, Arvi,
Tahsil Arvi, District Wardha.

...NON-APPLICANTS

Shri K.J. Topale, Advocates for applicants.
Shri N.H. Joshi, APP for non-applicant no.1/State.
Shri S.A. Sahu, Advocate for non-applicant no.2.

CORAM:- M.W. CHANDWANI, J.

DATE :- 02.09.2026

ORAL JUDGMENT:

1. **Admit.**
2. The applicants seek quashing of the First Information Report bearing Crime No.742/2023 registered with Police Station, Arvi, District Wardha for the offences punishable under Sections 420, 506 read with Section 34 of the Indian Penal Code (IPC) and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "**Act of 1989**") and charge-sheet filed in Special Case No.9/2024 before the Additional Sessions Judge (District Judge-2), Wardha on account of settlement.

3. The charge-sheet indicates that the applicants are office bearers of Bharat Sevak Samaj, a registered society. The society owns a shopping complex. It is alleged that the applicants agreed to sell one shop i.e. Shop No.8 of the shopping complex to non-applicant no.2 for a consideration of ₹14 lakhs. An amount of ₹1 lakh was given by cheque in the name of the society and remaining ₹13 lakhs were given in cash. It is further alleged that the said amount was taken by the applicants on account of sale of the said shop and accordingly, documents were registered before the Sub-Registrar. Later on, non-applicant no.2 found that the said document was not a sale-deed but a rent agreement. It is alleged by non-applicant no.2 that instead of executing a sale-deed, the applicants executed a rent agreement and the amount of ₹13 lakhs was not deposited with the society, thereby putting non-applicant no.2 to a loss of ₹13 lakhs. It is also alleged that when non-applicant no.2 asked either for receipts of ₹13 lakhs or to execute the sale-deed, the applicants abused him in the name of his caste. On his complaint, the aforesaid offences came to be registered against the applicants.

4. Non-applicant no.2 is personally present in the Court today, who has been duly identified by his counsel. Learned

counsel for non-applicant no.2 has contended that the matter has been amicably settled between the applicants and non-applicant no.2. It is contended that only due to misunderstanding the aforesaid FIR came to be lodged. It is also contended that the dispute was in respect of Shop No.8, Demand No.314, situated at Indira market, Walisaheb Ward, Arvi District Wardha. Non-applicant no.2 reiterating the contents of the affidavit-in-reply submits that the matter has been amicably settled and therefore, he does not want to prosecute the applicant and he has no objection if the FIR and charge-sheet against the applicants is quashed.

5. It appears that apart from Section 420, 506 read with Section 34 of the IPC, Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Act of 1989 have also been invoked. Since, the offences under the provisions of Act of 1989 are against the society, generally they are not quashed by exercising the inherent powers of the Court unless the Court is satisfied that the underlying objective of the Act of 1989 would not be contravened or diminished even if the felony in question goes unpunished. Since, the matter has been settled between the parties out of the Court, continuation of the present prosecution would serve no fruitful purpose.

6. In this context, the Supreme Court in the case of ***Ramawatar Vs. State of Madhya Pradesh***, reported in **(2022) 13 SCC 635**, in para no. 17 has held as under:-

"17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.PC."

7. In the present case, the applicants are office bearers of Bharat Sevak Samaj as well as landlords of non-applicant no.2. The dispute between the applicants and non-applicant no.2 appears to be in respect of Shop No.8 on account of tenancy and alleged sale of the said shop. Therefore, the dispute is in respect of the said shop and there was no intention on the part of the

applicants to humiliate non-applicant no.2. The present dispute is private in nature and not a heinous one. It also does not involve any issue affecting the society at large. Since, the parties have settled the dispute out of the Court and non-applicant no.2 does not want to prosecute the applicants for the alleged offences, the possibility of the prosecution culminating into conviction appears to be remote. Continuation of the criminal proceedings would serve no fruitful purpose. Therefore, a case is made out for exercising the inherent powers of the Court under Section 528 of the BNSS (old Sec.482 of Cr.PC.) to secure the ends of justice and to prevent abuse of the process of the Court. Hence, the following order is passed:

- i. The criminal application is allowed.
- ii. First Information Report bearing Crime No.742/2023 registered with Police Station, Arvi, District Wardha for the offences punishable under Sections 420, 506 read with Section 34 of the Indian Penal Code (IPC) and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and charge-sheet filed in Special Case No.9/2024 before the Additional Sessions Judge (District Judge-2),

Wardha against the applicants are hereby quashed and set aside subject to the applicants depositing costs of ₹20,000/- (Rupees Twenty Thousand Only) to **“Public Welfare Fund”** with Union Bank of India, High Court Branch, Nagpur having Account No.129712010001014 and IFSC Code UBIN0812978 within a period of two weeks from the date of this order.

iii. The application stands disposed of.

(M.W. CHANDWANI J.)

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