

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2489 OF 2014

GIRIDHAR DODHU PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the Applicants: Mr. C.R. Deshpande
A.P.P. For respondent No.1: Mr. A.S. Shinde
Advocate for respondent No.2: Mrs. R.S. Kulkarni

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 18th NOVEMBER, 2015

P.C. :-

1. The present application is filed by the accused in crime No. 136 of 2013 registered at Mohadi police station, District Dhule for the offences punishable under Sections 420, 467, 468, 471, 477 r.w. 34 of I.P.C.

2. Mr. Deshpande, learned counsel for the applicants submits that the complaint is filed by the complainant upon some misunderstanding and without verifying the real state of affairs. The applicants at no material point of time had any intention to cheat the complainant. All facts were properly narrated. Even the complaint does not state that at the time of entering into the transaction, the applicants had any dishonest intention so as to invoke Section 420 of

I.P.C.

3. Mrs. Kulkarni, learned counsel for the complainant submits that respondent No.2-original complainant has filed an affidavit before this Court accepting that due to misunderstanding the complaint has been filed. Respondent No.2 has no intention to prosecute the applicants. Respondent No.2 now has got knowledge that the applicants never had any intention to cheat, as the applicants were also kept in dark by their vendors.

4. We have considered the submissions. The offences are not compoundable. However, the Apex Court in the judgment, delivered in the case of ***Narinder Singh and Ors. Vs. State of Punjab and another, reported in (2014) 6 SCC 466***, has laid down the parameters while accepting the settlement; such as, the stage at which it is being settled etc. It is held in the said judgment that the economic offences can be considered for settlement. We have also perused the contents of complaint. From the complaint, it does not appear that at the time of entering into transaction, the applicants had any dishonest intention.

5. Mr. Shinde, the learned A.P.P. submits that during the course of investigation, it was noticed that the property in question was involved in illegal activities and the police authorities have also

sealed the said premises. Even though the complainant and the accused have compounded the matter, the charge sheet has been filed and the same deserves to be proceeded further and taken to its logical end.

6. The arguments of learned A.P.P. can also be considered. The complaint is filed under Sections 420, 467, 468, 471, 477 of I.P.C. If the authorities during investigation have found that the premises is being used for some illegal activities they have every right to take cognizance and to take further course of action in accordance with law.

7. Considering the aforesaid aspects of the matter, crime No. 136 of 2013 registered with Mohadi police station, district Dhule against the present applicants for the offences punishable under sections 420, 467, 468, 471, 477 r.w. 34 of I.P.C. Is quashed and set aside.

8. Criminal application is allowed and disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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