

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

Criminal Application [ABA] No.449 of 2014

(Chandrakant Dhananjayrao Bhonde and others
vs.

The State of Maharashtra, through P.S.O. Nandanwan, District Nagpur)

=====

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

=====

Court's or Judge's Orders

CORAM : PRASANNA B. VARALE, J.

DATE : MARCH 11, 2015.

Heard Mr. R.R. Vyas, the learned Counsel for the applicants.

The applicants are before this Court seeking their protection in the nature of pre-arrest bail in connection with Crime No.194/2014, registered at Nandanwan Police Station, Nagpur for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code. This Court by an order dated 26/08/2014 granted *ad interim* protection to the applicants. The protection is still continued.

The learned Counsel for the applicants submits that during the pendency of the application itself, it was fairly submitted that the applicants are making all possible attempts to settle the grievances by offering the amount to the complainant. The learned Counsel submits that recently certain developments have taken place, viz. the applicants along with other persons

approached the Division Bench of this Court by filing Criminal Application No.138/2015 seeking quashment of the F.I.R. He submits that the informant/complainant Mohd. Jamil Ansari is also one of the applicant in Criminal Application No.138/2015 as applicant no.5. The learned Counsel invited my attention to the order passed by the Division Bench of this Court in Criminal Application No.138/2015, which is placed on record along with a pursis at page no.112. The order of the Division Bench of this Court, dated 27/02/2015 reads thus :

“Shri Vyas, learned Counsel for applicants, prays for permission to withdraw criminal application with liberty to apply for compounding under Section 320 of Code of Criminal Procedure (Table-II).

We make the following order :

Order

Criminal Application No.138/2015 is disposed of as withdrawn reserving liberty in favour of applicants to proceed in accordance with law.”

The learned Counsel for the applicants then invited my attention to the Compromise-Deed between the parties. The parties have arrived at a settlement. The terms of settlement are referred to in the documents named and styled as “Apasi Samzauta Patra”, which is placed on record at page no.108. The party no.2 is Mohammad Jamil Ansari s/o Gulam Rasul Ansari. The terms between the parties include that the applicants in the

present application i.e. party no.1 along with other persons offered an amount of Rs.7,75,000/- by cheque dated 20/02/2015 drawn on Tirupati Urban Co-operative Bank Limited, Nagpur. The party no.2 i.e. Mohd. Jamil Ansari accepted the amount as full and final settlement. Party no.2 agreed to extend cooperation and assistance to the applicants for settling the dispute and the dispute of which the outcome is F.I.R. No.194/2014.

Considering all these aspects, in my opinion, without entering into the other merits and without entering into the allegations and counter allegations, the present application can be disposed of by confirmation of the *ad interim* protection granted to the applicants. The informant/complainant Mohd. Jamil, on whose report the Crime No.194/2014 is registered, himself is a party to the Compromise-Deed and the terms of settlement arrived at between the parties. The application is thus disposed of. The *ad interim* order passed by this Court dated 26/08/2014 is confirmed.

JUDGE

*sdw