

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.82 OF 2017

Bapu Suresh Choube. .. Applicant
Vs
The State of Maharashtra and Another. .. Respondents
—
Shri Priyal G. Sarda for the Applicant.
Mrs.S.V.Sonawane, APP for the Respondent No.1.
Shri Anup Lahori for the Respondent No.2.
—

CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ
DATED : 1ST FEBRUARY 2017

PC.

1. Rule. The learned APP waives service for the first Respondent. The Advocate for the second Respondent waives service. Forthwith taken up for final disposal.

2. The prayer in this Application under Section 482 of the Code of Criminal Procedure, 1973 (for short “CrPC”) is for quashing the First Information Report (FIR) lodged at the instance of the second Respondent for the offence punishable under Section 384 of the Indian Penal Code. The prayer for quashing is made on the basis of the settlement between the parties. The second Respondent has filed an affidavit dated 17th January 2016. His son Harshad has filed a separate affidavit today. In the affidavit of the second Respondent, it is stated that it is agreed between the parties that if the Applicant is intending to

sell the two properties, the second Respondent will have the preferential right to purchase the said two properties from the Applicant. The affidavit of the second Respondent and the affidavit of his son Harshad record that the possession of Omni Car has been delivered by the Applicant.

3. We have perused the First Information Report subject matter of challenge. There was a transaction between the second Respondent and one Shri Yogesh Vasantrao Raskar. Thereafter, it is claimed that the second Respondent executed a registered Power of Attorney in favour of the Applicant in respect of the properties. It is alleged that the said transaction was entered into as the number of Creditors were after the second Respondent for return their money. After having perused the FIR, we find that the transaction is between the individuals which has pre-dominantly a civil flavour. Moreover, the offence alleged cannot be said to be against the Society at large. Now there is a settlement between the Applicant and the second Respondent. The son of the second Respondent has received back the possession of his Car.

4. Considering the aforesaid settlement between the Applicant and the second Respondent, this is a fit case to exercise the power under Section 482 of the CrPC.

5. Considering the nature of the alleged offence and considering the nature of compromise, we direct that the Applicant and the second Respondent to pay reasonable costs.

6. We accordingly pass the following order.

ORDER :

(a) Rule is made absolute in terms of prayer clause (a), which read thus;

“(a) That this Hon'ble Court be pleased to quash FIR No.12 of 2017 and consequently quash the C.R. No.12 of 2017 registered with Barshi City Police Station, District: Solapur for the offence punishable u/s. 384 of I.P.C.”

(b) We direct the Applicant and the second Respondent to pay costs of Rs.25,000/- each to the Police Welfare Fund within a period of one month from today;

(c) The office of the Director General of Police shall accept the amount of costs from the Applicant and the second Respondent on production of an authenticated copy of this order;

(d) The Petition is disposed of on above terms.