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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 158/2018

(Shri Bhalchandra s/o Mangal Dhanvij & others vs. The State of Maharashtra and another)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

Mr. A.M. Ghare, Advocate for the petitioner

Mr.S.B.Bissa, Additional Public Prosecutor for respondent No.1 -State

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.
DATED : 7th March, 2018.

By this Criminal Application, the applicants seeks the quashing and setting aside the First Information Report registered against them for the offences punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

The non-applicant No.2 was interested in purchasing a plot from the society of which the applicant nos.1 to 5 are the office-bearers/Directors. An agreement was entered between the society and the non-applicant no.2 that after the revision of the layout, a plot could be sold in favour of the non-applicant no.2. However, sanction could not be secured by the society for the revision of the layout, thereby resulting in failure to sell the plot to the non-applicant no.2. Since the non-applicant no.2 had paid a sum of Rs. 12 lakhs to the society towards the purchase of the plot and the plot was not sold to her, the non-

applicant no.2 lodged a complaint against the applicants in the Police Station. On the basis of the said complaint, the First Information Report is registered against the applicants for the offences punishable under sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

It is stated on behalf of the applicants and the non-applicant no.2, who are personally present in the Court today, that since the applicants did not sell the plot in favour of the non-applicant no.2 and also did not return the amount, the complaint was lodged by the non-applicant no.2. It is stated that the parties have, however, amicably settled the dispute and the applicants have paid an amount of Rs. 16 lakhs to the non-applicant no.2 in lieu of the acceptance of Rs. 12 lakhs from her. It is stated that in the circumstances of the case, when the parties have amicably settled the dispute, the First Information Report registered against the applicants may be quashed and set aside.

The applicants and the non-applicant no.2 are personally present in the Court today. The non-applicant no.2 states that she has received the amount of Rs. 16 lakhs from the applicants towards the interest and the amount that she had paid to the society. It is stated that she does not wish to pursue the matter against the applicants as they have returned the amount paid by her to them, with interest thereon. It is stated in the circumstances of the case, the First Information Report registered against the applicants may be quashed and set aside.

We have perused the complaint lodged by the non-applicant no.2 against the applicants who are the office-bearers/Directors of the society. On a reading of the complaint, we find that the dispute is of civil nature. In the circumstances of the case, when the applicants have paid an amount of Rs 16 lakhs to the non-applicant no.2, the First Information Report registered against the applicants is liable to be quashed and set aside, especially when the dispute appears to be of civil nature. Hence, by following the laid down down by the Hon'ble Supreme Court, in the case of Narinder Singh vs. State of Punjab and another, reported in (2014) 6 SCC 466, the First Information Report is liable to be quashed and set aside, with a view to prevent the abuse of the process of the Court and to secure the ends of justice.

Hence, for the reasons aforesaid, the Criminal Application is allowed. The First Information Report registered against the applicants for the offences punishable under sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code is hereby quashed and set aside.

Order accordingly.

JUDGE

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