

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

CRIMINAL APPLICATION (APL) NO.140 OF 2019
(Sagar s/o Ashok Sananda and another vs. State of Maharashtra and others)

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

Shri A.S. Kilor, Advocate for applicants.

Shri A.D. Sonak, Additional Public Prosecutor for
respondent no.1.

Shri J.B. Gandhi, Advocate for respondent nos.2 to 8.

CORAM : P.N. DESHMUKH AND
 ROHIT B. DEO, JJ.

DATED : MARCH 6, 2019

Shri Kilor, learned Counsel for applicants,
seeks orally leave to refer respondent nos.2 to 8 as
respondent nos.2-A to G, who are added as legal heirs of
deceased respondent no.2.

Leave as prayed is granted. Amendment be
carried out forthwith.

Applicant no.1 is present. Respondent
no.2-A Jagatram, who is executed with Power of
Attorney for rest of the respondents, is present and has
produced his Aadhar Card and Election Card from where
his identity is established. Both these Cards are returned
back to his learned Counsel.

This application is for quashing of charge-
sheet bearing No.62/2014 for offences punishable under
Sections 467, 468, 471, 420, 120(B) and 506 of Indian
Penal Code pending on the file of Judicial Magistrate,

First Class, Court No.5, Khamgaon, District Buldhana. According to parties present and their respective Counsel, matter is amicably resolved between the parties and to substantiate their case, they have referred to deed of compromise, copy of which is placed on record as Annexure IV. By relying upon said document, it is submitted that since dispute is resolved between the parties, application be allowed and criminal proceedings be quashed.

We have perused the contents of compromise deed. At the outset it is noted that nature of this crime is civil and according to complainant, due to misunderstanding, false report came to be lodged against respondent nos.2A to G, upon which offences are registered and in para 6 of the settlement terms, complainant has admitted that no forgery, etc. has been committed and document is executed by deceased Motiram Ghogale in respect of agricultural land bearing Gat No. 106 admeasuring 1 hectare 78 R situated at village Makta, Taluq Khamgaon, District Buldana on consideration. Document was executed on 17/5/2004. From paragraphs 10 and 16 of the terms of settlement, it is further found that all the criminal proceedings whatsoever are pending are agreed to be settled between the parties.

Having considered submissions as advanced together with terms of settlement and law laid down in the case of **Narinder Singh and others vs. State of Punjab and another** {(2014) 6 SCC 466}, application is allowed in terms of prayer clause (1) thereof subject to

deposit of costs of rupees fifty thousand, out of which rupees twenty-five thousand shall be borne by applicant nos.1 and 2 and balance rupees twenty-five thousand shall be borne by respondent nos.2-A to G, before Registrar (Judicial) of this Court within two weeks. On deposit of costs, the amount shall be paid to Police Welfare Fund, Buldhana District.

JUDGE

JUDGE

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