

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APL] No. 599 of 2019
[Ajay Devrao Ganvir & another Vs. State of Mah., Ramnagar PS,
Chandrapur]

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

Court's or Judge's orders

Mr. S. N. Nandeshwar, Adv., for the Applicants.
Mr. Shirpurkar, APP for respondent.

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**CORAM : P. N. DESHMUKH AND
SMT. PUSHPA V. GANEDIWALA, JJ.**

DATE : 27th June, 2019

Heard.

Issue notice to the respondent.

Shri Shirpurkar, learned Addl. Public Prosecutor,
waives service of notice for respondent.

This application is jointly filed by the Applicant No.1 who is Accused No.2 in Crime No. 145 of 2019 registered by Ramnagar Police Station, Chandrapur, for offences punishable under Sections 420, 406, 468 and 471 read with Section 34 of Indian Penal Code, along with Applicant No.2, complainant, for quashing of above First Information Report.

Both the Applicants are present before Court and

on a specific query put to Applicant no.2/complainant whether he wants to prosecute his report, he replies in negative, saying that Applicant No.1 is named in the report due to misunderstanding and, in fact, he has no role to play in the present crime and, thus, has no objection for quashing of First Information Report – qua – the Applicant who is shown as Accused No.2 in the present First Information Report.

The subject-matter of the offence appears to be that an amount of Rs.8,00,000-00 was paid by the complainant to Original Accused No.1 for providing him a job. However, since no job was provided, the complainant asked said accused to pay him back the money. However, Rs.3,00,000/- were paid and, thus, the complaint came to be lodged.

In that view of the matter and in view of the law laid down by the Hon'ble Apex Court in the case of **Narinder Singh & others Vs. State of Punjab & another** [(2014) 6 SCC 466] wherein the Hon'ble Apex Court has held that if the parties have settled the dispute and no element of public loss is involved, they can be permitted to compound the offence, the application is liable to be allowed. Hence, the following order:-

[a] The application is allowed.

[b] First Information Report vide Crime No. 145/2019 dated 5th February, 2019 registered by Ramnagar Police Station, Chandrapur, is quashed and set aside against Accused No.2 – Ajay Deorao Ganvir.

[c] The applicants shall pay Rs. 25,000/- [rupees twenty-five thousand only] jointly within two weeks from today. The said amount be deposited with the Registry of this Court. On payment of cost, the same be deposited with the Home for Aged, Untkhana, Medical College Road, Nagpur.

Judge

Judge

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