

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

CRIMINAL APPLICATION (APL) NO. 917 OF 2018

(Saurabh s/o Wasudeo Agrawal & Anr. vs. The State of Maharashtra thr. PSO, PS Kalamna,
Nagpur)

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

Court's or Judge's orders.

Shri R.R. Prajapati, Advocate for the applicants.
Shri S.D. Sirpurkar, APP for the non-applicant.

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**CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
AUGUST 14, 2019.**

Heard Shri R.R. Prajapati, learned
counsel for the applicants and Shri S.D. Sirpurkar,
learned APP for the non-applicant.

This application is jointly filed by
applicant No. 1, who is a complainant in the
crime No. 716 of 2017 registered by non-
applicant – State, against applicant No. 2 –
Accused, for quashing of said crime on the ground
that the applicants have settled their dispute out
of Court and, therefore, applicant No. 1 has no
grievance against applicant No. 2.

Applicant No. 1 on specific query put to
him, admits not to proceed with the report lodged

by him.

It appears that First Information Report was lodged against one Amit Tharwani alleging that complainant had given 700 bags of Tur dal to the truck driver of Amit Tharwani for supplying and delivering it to Sawariya Traders, Lucknow, Uttar Pradesh, however, it was never delivered and accordingly report was lodged. During the course of investigation by State crime, applicant No. 2 was arrested. Thereafter issue is amicably settled between the applicants.

Having considering the facts involved in the crime and since there is no public element involved in it as crime appears to be between applicant Nos. 1 & 2 and one Amit Tharwani, who is stated to be absconding and since this application is for quashing of FIR qua applicant No. 2 alone, we find that application is liable to be allowed in view of law laid down in the case of Narinder Singh & Ors. vs. State of Haryana, reported at 2006 (8) SCC 33.

In the circumstances, Criminal Application is allowed in terms of prayer clause (a) qua applicant No. 2 – Rishi s/o Ashokkumar Agrawal, subject to applicants paying costs of

Rs.10,000/- (Rs. Ten thousand only) each within two weeks. The total amount of costs Rs.20,000/- (Rs. Twenty thousand only) shall be paid to the Registrar of this Court. On deposit of costs, it be further paid to Home for Aged, Untkhana, Medical Road, Nagpur.

JUDGE

JUDGE

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