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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

941 CRIMINAL APPLICATION NO.458 OF 2021

SHARAD MACHHINDRA JAGDALE AND ANR  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Mr R. R. Karpe, Advocate for applicants;  
Mr S. G. Sangle, A.P.P. for respondent No.1;  
Mr Shaikh Mazhar Jahagirdar, Advocate for respondent No.2

**CORAM : RAVINDRA V. GHUGE  
AND  
B. U. DEBADWAR, JJ.**

**DATE : 31st March, 2021**

**PER COURT:**

1. By this application, the applicants have prayed for quashing the first information report in Crime No.0102 of 2020, registered with the Shrirampur City Police Station, Tq. Shrirampur, Dist. Ahmednagar, for offences punishable under Sections 420, 406 and 417 read with Section 34 of the Indian Penal Code.
2. This Court had directed respondent No.2 to file an affidavit-in-reply, vide order dated 03/03/2021 since it was canvassed that the matter has been amicably settled between the parties. Our attention is drawn to the affidavit filed by respondent No.2 from Page 38. It is pointed out that as the informant felt cheated by the acts of the applicants in refusing to allot the shop to him, which was vacated for

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renovation, and since the said shop is now allotted to him and he has taken possession of the same, his grievance is redressed and the first information report can be quashed since no purpose would be served in subjecting the parties to Trial.

3. The learned Advocate for the applicants submits that as the grievance of the informant has been redressed and the shop has been allotted to him, proceeding with the trial would amount to unnecessary utilization of the precious time of the Court and which would merely be for an academic purpose as the informant does not desire to press the charges against the applicants.

4. The learned Prosecutor submits that in such matters, when the process of law is utilized by any litigants, especially in commercial matters or matrimonial matters, costs should be paid by the parties as the Police machinery was set into motion for initiating investigation.

5. The learned Advocate for the applicants submits that both the applicants are willing to donate an amount of Rs.10,000/- each, to the office of the District Superintendent of Police, Ahmednagar, for being utilized for a social cause concerning the families of the Police personnel or their children. The learned Advocate for the informant submits that he would also donate Rs.10,000/- to the said office for the same purpose.

6. We place reliance upon the judgment delivered by the Honourable Apex Court in the matter of **Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and ors. vs. State of Gujarat and anr, (2017) 9 Supreme Court Cases 641**. Sections 406 and 420 of the Indian Penal Code attracted in the present matter, can be compounded with the permission of the Court and Section 417 read with Section 34 of the Indian Penal Code, would be a compoundable offence. Considering the law laid down by the Honourable Apex Court and since no heinous crime has been committed against the society, or against the informant, we find that no purpose would be served in compelling the parties to face the rigours of litigation.

7. As such, this application is allowed by consent. The First Information Report in Crime No.0102 of 2020, registered on 09/02/2020, is quashed and set aside.

8. Both the applicants and respondent No.2 - informant, would deposit an amount of Rs.10,000/- each, in the office of the District Superintendent of Police, Ahmednagar, on or before 15/04/2021.

9. The said amount would be utilized to achieve a social purpose, especially in connection with the families of the Police personnel and/

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or the children of Police personnel, within the jurisdiction of the Ahmednagar Police Station.

**(B. U. DEBADWAR, J.)**

**(RAVINDRA V. GHUGE, J.)**

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