

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

CRIMINAL APPLICATION (APL) NO.10 OF 2015

1. Atul Omprakash Mantri,
Managing Director,
Bhakti Extraction Pvt. Ltd.,
R/o. Jalna, Tahsil & District Jalna.
2. Aatish Subhashchandra Chechani,
Director, Bhakti Extraction Pvt. Ltd.,
R/o. Jalna, Tahsil & District Jalna.
3. Madhusudan Shrinivas Bhakkad,
Chartered Accountant, RBBCRP Road,
R/o. Jalna, Tahsil & District Jalna.
4. Manoj Shrinivasji Lakhotiya,
Staff, Bhakti Extraction Pvt. Ltd.,
R/o. Jalna, Tahsil & District Jalna.
5. Nilesh Shriniwas Chechani,
Bhakti Extraction Pvt. Ltd,
R/o. Jalna, Tahsil & District Jalna.
6. Pankaj Subhashchandra Jain,
Accountant, Bhakti Extraction Pvt. Ltd,
R/o. Jalna, Tahsil & District Jalna.
7. Aashish Omprakash Mantri,
Bhakti Extraction Pvt. Ltd,
R/o. Jalna, Tahsil & District Jalna.
8. Sau. Pramila Omprakash Mantri,
Bhakti Extraction Pvt. Ltd,
R/o. Jalna, Tahsil & District Jalna.
9. Omprakash Asaramji Mantri,
Bhakti Extraction Pvt. Ltd,
R/o. Jalna, Tahsil & District Jalna.
10. Pradip Babulalji Totla,
Bhakti Extraction Pvt. Ltd,
R/o. Jalna, Tahsil & District Jalna.

11. Shivprasad Radhakisan Chechani,
Bhakti Extraction Pvt. Ltd,
R/o. Jalna, Tahsil & District Jalna.
12. Sau. Mona Ashish Mantri,
Bhakti Extraction Pvt. Ltd,
R/o. Jalna, Tahsil & District Jalna.
13. Sau. Shital Atul Mantri,
Bhakti Extraction Pvt. Ltd,
R/o. Jalna, Tahsil & District Jalna.

....APPLICANTS

----- VERSUS -----

1. State of Maharashtra,
Through Police Station Officer,
Mangrurpir, District Washim.
2. Ganesh Radheshyam Baheti,
Aged about 36 years,
Occ.: Business,
R/o. Hudco Colony, Mangrurpir,
District Washim.

.... NON-APPLICANTS

Shri D. V. Chauhan, Advocate for the applicants.

Shri N. S. Rao, A.P.P for the non-applicant No.1/State.

Shri Rishabh Khemuka, Advocate h/f Shri S. G. Joshi, Advocate for Non-applicant No.2.

CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATE : 03.03.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.

2. This Court by order dated 25.02.2021 appointed
Shri Sumant Deopujari Advocate as a Mediator to resolve the

dispute in between the applicants and the non-applicant No.2. Shri Sumant Deopujari has submitted a report dated 27.02.2021. In the said report, the Mediator has stated that the parties have settled their dispute and in terms of settlement, the non-applicant No.2 has agreed to withdraw the complaint lodged by him in Police Station, Mangrurpir on the basis of consequent charge-sheet No.65/2019 for the offences punishable under Sections 403, 406, 409, 420, 425, 120-B, 468, 471, 177, 182 read with Section 34 of the Indian Penal Code. It is stated that in view of terms of settlement, the non-applicant No.2 has agreed for quashing of charge-sheet No.65/2019 which is under challenged in the instant Criminal Application.

3. In paragraph No.4 of the Mediation Report, the Mediator has recorded statement of applicant No.1 that he has agreed to pay an amount of Rs.8,00,000/- (Rs. Eight Lakhs Only) by Demand Draft drawn in favour of the non-applicant No.2 as per terms of settlement.

4. Today, the learned Advocate for the applicants has handed over the Demand Draft of Axis Bank Limited bearing No.431211053 dated 01.03.2021 to the non-applicant No.2 as per terms of settlement. The non-applicant No.2, who is personally present in the Court and has been identified by the Advocate for the non-applicant No.2, has accepted said Demand Draft. The learned

Advocate for the non-applicant No.2 has admitted that the non-applicant No.2 has received Demand Draft of Rs.8,00,000/- (Rs. Eight Lakhs Only) as agreed in paragraph No.4 of the Mediation Report.

5. In view of the terms of settlement between the parties and taking into consideration the allegations in the First Information Report, which are personal in nature and does not affect the society, and in view of the judgment of the Hon'ble Apex Court in the case of *Narinder Singh & others Vs. State of Punjab & another*, reported in **2014 AIR SCW 2065**, we are satisfied that the First Information Report alongwith charge-sheet deserve to be quashed and set aside.

6. We therefore, pass the following order :

i] The First Information Report bearing No.6/2015 dated 07.01.2015 alongwith charge-sheet bearing No.65/2019 filed before the Judicial Magistrate First Class, Mangrurpir, District Washim for the offences punishable under Sections 403, 406, 409, 420, 425, 120-B, 468, 471, 177, 182 read with Section 34 of the Indian Penal Code is quashed and set aside.

ii] By order dated 25.02.2021, the parties were directed to deposit an amount of Rs.1,00,000/- (Rs. One Lakh Only) each in this Court. The applicants and the non-applicant No.2 have deposited the said amount in this Court. It is directed that out of the amount of Rs.2,00,000/- (Rs. Two Lakhs Only) deposited by the parties, the amount of Rs.1,50,000/- (Rs. One Lakh Fifty Thousand Only) shall be paid to the Mediator Shri Sumant Deopujari and remaining amount of Rs.50,000/- (Rs. Fifty Thousand Only) shall be transferred to the Office of the Government Pleader in the Saving Bank Account, details of which are given below, which shall be used for installation of Video Conferencing facility.

Saving Bank A/c. No.:	129710100025875
Name of Bank	: Union Bank, High Court Branch, Nagpur.
IFSC Code	: UBIN0812978
Beneficiary	: M/s. Library Committee, Government Pleader, High Court, Nagpur

Rule is made absolute in the above terms.

JUDGE

JUDGE

