

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

CRIMINAL APPLICATION (APL) NO.52 OF 2021

APPLICANTS:

1. Hridayraj @ Raj s/o Joseph Alexander,
Aged about : 36 years, Occu. Business,
R/o Flat No.203, Suraksha Apartment,
16 Hindustan Colony, Amravati Road,
Nagpur - 440033.
2. Shri Jatin s/o Chandir Godhwani,
Aged : Major, Occu. Business,
R/o Plot No.282, Dayanand School
Road, Jaripatka, Nagpur-440014.

V E R S U S

NON-APPLICANT :

State of Maharashtra,
Through Police Station Officer,
Police Station, Jaripatka,
Nagpur.

Shri Amit Khare, Advocate for applicants.

Shri S. D. Sirpurkar, Additional Public Prosecutor for Non-
applicant-State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 20/01/2021.

ORAL JUDGMENT : (PER : AMIT B. BORKAR, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. This is a joint application filed by the complainant
and accused under Section 482 of the Code of Criminal Procedure

for quashing of First Information Report No.961/2020 for the offences punishable under Sections 448, 452, 384, 143, 147, 149, 504 and 506-B of the Indian Penal Code registered with the non-applicant - Police Station.

4. The First Information Report came to be registered against the applicant No.1 with the accusations that the father of the complainant has lost amount of Rs.18,00,000/- in cricket betting and was unable to pay the said amount to the applicant No.1. Since the father of the applicant No.2 was unable to pay the said amount, the applicant No.1 threatened the applicant No.2 with dire consequences. Therefore, the First Information Report came to be registered against the applicant No.1.

5. Pending the investigation of First Information Report, the applicant No.1 and applicant No.2 have arrived at a settlement. As per the terms of agreement, it is agreed that the applicant No.2 shall pay amount of Rs.18,00,000/- to the applicant No.1.

6. We have considered the allegations in the First Information Report. From the allegations in the First Information Report, it appears that the offences alleged against the applicant

No.1 are personal in nature. The Hon'ble Apex Court in the case of Madan Mohan Abbot Vrs. State of Punjab, reported in (2008)4 SCC 582 has held that the offences are personal in nature. It is advisable to quash the First Information Report when the issue between the parties is amicably settled.

7. In view of the Judgment of Hon'ble Apex Court in the case of Madan Abbot (supra), we are satisfied that continuation of the proceedings would amount to an abuse of process of law.

8. We, therefore, pass the following order :-

ORDER

I] The First Information Report No.961/2020 registered with the non-applicant - Police Station under Sections 448, 452, 384, 143, 147, 149, 504 and 506-B of the Indian Penal Code is quashed and set aside.

II] The amount of Rs.25,000/- deposited by the applicants shall be transferred to the account of High Court Legal Services Sub-Committee, Nagpur.

9. Rule is made absolute in the above terms.

JUDGE

JUDGE

Choulwar