

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

Criminal Application (APL) No.214 of 2019

1. Shri Ashok Pitambar Krishnani,
Aged about 49 years,
Occ. Business.

2. Sau. Nikita Ashok Krishnani,
Aged about 46 years,
Occ. Housewife.

Both R/o 301, Sai Shakti Residency-2,
Chapru Nagar, Bagadganj, Nagpur.

... Applicants

Versus

1. State of Maharashtra,
through P.S.O. of Police Station
Lakadganj, Dist. Nagpur.

2. Shri Govind Nattumal Sajnani,
Aged about 45 years,
Occ. Business.

3. Sau. Reshma Govind Sajnani,
Aged about 41 years,
Occ. Housewife.

Both R/o Sai Shakti Residency-2,
Chapru Nagar, Bagadganj, Nagpur.

... Non-Applicants

Shri S.S. Sitani, Advocate for Applicants.

Shri S.M. Ghodeswar, Additional Public Prosecutor for
Non-Applicant No.1- State.

Shri Hitesh J. Khandwani, Advocate for Respondent Nos.2 and 3.

CORAM : V.M. DESHPANDE & AMIT B. BORKAR, JJ.

DATE : 7th OCTOBER, 2021

Oral Judgment (Per V.M. Deshpande, J.) :

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the parties.

2. By the present application, the applicants are challenging the registration of the First Information Report lodged against them vide Crime No.50 of 2019, registered with Police Station Lakadganj for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code. The report was lodged by non-applicant Nos.2 and 3.

3. The report lodged pertains to the residential apartment. Non-applicant No.2- complainant Govind Nattumal Sajnani is personally present in the Court. He is identified as such by his Advocate Shri Hitesh J. Khandwani. The complainant submitted before the Court that he has amicably settled his dispute with the applicants and he does not wish to proceed with his complaint. Since the complainant himself is stating before the Court that he is not ready to proceed with the complaint against the applicants, it would be abuse of process of law if the proceedings are continued against the applicants in view of the First Information Report lodged by him against the applicants. The alleged offence is the outcome of personal disputes between the applicants and non-applicant Nos.2 and 3.

Therefore, there will be no difficulty in accept the compromise entered into between the applicants and non-applicant Nos.2 and 3.

4. Resultantly, we pass the following order :

First Information Report No.50 of 2019 registered with Police Station Lakadganj, Nagpur against the applicants for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code along with the consequent charge-sheet filed by the Investigating Officer before the learned Jurisdictional Magistrate is hereby quashed and set aside.

5. Rule is made absolute in the above terms.

(AMIT B. BORKAR, J.)

(V.M. DESHPANDE, J.)