

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

CRIMINAL APPLICATION (APL) NO. 583 OF 2021

1. Govind Gehimal Mirpuri,
Aged about 74 years, Occu. Business.
2. Manoj Govind Mirpuri,
Aged about 43 years, Occu. Business.
3. Anand Govind Mirpuri,
Aged about 39 years, Occu. Business,
All R/o. Kamal Nayan, Mount Road,
Sadar, Nagpur.

.....APPLICANTS

... **VERSUS** ...

1. State of Maharashtra,
Through Police Station Officer,
Sakkardara Police Station,
Nagpur.
2. Anup Omprakash Khandelwal,
Aged about 46 years, Occu. Business,
R/o. 92, Ramdaspath, Lendra Park,
Nagpur.

.....NON-APPLICANTS

Shri M. R. Johrapurkar, Advocate for the Applicants.

Shri S. S. Doifode, Additional Public Prosecutor for the Non-applicant No.1.

Shri V. S. Mirshra, Advocate for the Non-applicant No.2.

**CORAM : V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATE : 26.08.2021.

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

1. Heard.
2. Rule. Rule is made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicants are challenging registration of the First Information Report No.214/2015 dated 26.08.2015 registered with the non-applicant No.1 - Police Station for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicants with the accusations that the applicants in collusion with each other have prepared forge documents resulting into wrongful loss to the non-applicant No.2. The Investigating Agency after completion of the investigation filed charge-sheet against the applicants. The applicants have therefore challenged registration of the First Information Report against them by way of present application on the ground that during the pendency of the investigation, the parties have resolved their dispute and have settled issue involved between them.

5. This Court on 24.06.2021 issued notice to the non-applicants. The non-applicant No.1 has filed reply stating that the Investigating Agency has carried out the investigation and there is sufficient material available with the Investigation Agency for the offences alleged against the applicants. The applicants and the non-applicant No.2 have filed Criminal Application (APL)

No. 1397/2021 requesting to set aside the First Information Report against the applicants. It is stated in the said application that the applicants have resolved their dispute. The applicants have annexed copy of Compromise Deed entered into in the Court of Civil Judge Senior Division -14, Nagpur.

6. Today, when the matter is called out, the applicants and the non-applicant No.2 are present in the Court. The applicants and the non-applicant No.2 stated before the Court that they have mutually resolved their dispute amicably and therefore, the non-applicant No.2 has no objection for quashing the Criminal Proceedings against the applicants.

7. On careful consideration of the allegations in the First Information Report and the material produced by the Investigating Agency, we are satisfied that the offences alleged against the applicants are personal in nature.

8. The Hon'ble Supreme Court in the case of ***Madan Mohan Abbot Vs. State of Punjab*** reported in (2008) 4 SCC 582 has taken a view that it is advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of compromise even in criminal proceeding as keeping the matter alive with no possibility of conviction in favour of the prosecution is a luxury which the

Courts, grossly over-burdened, as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation.

9. In view of amicable settlement of dispute between the applicants and the non-applicant No.2, we are satisfied that there is no impediment in quashing the criminal proceedings against the applicants.

10. We therefore, pass following order :

The First Information Report No.214/2015 dated 26.08.2015 registered against the applicants with the non-applicant No.1 - Police Station for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code is quashed and set aside.

11. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE