

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

CRIMINAL APPLICATION (APL) NO. 607 OF 2021

Balaji S/o. Kashiram Ingale,
Aged about 27 years, Occu. : Driver,
R/o. Kale File Washim,
Tq. Dt. Washim, Mob.- 8620955555.**APPLICANT**

... **VERSUS** ...

1. State of Maharashtra,
Through Police Station Officer,
Karanja (City), Tq. Karanja,
Distt. Washim.
2. Shrikant S/o. Ashokrao Pandit,
Age about 30 year,
Occu. : Agri.,
R/o. Jaypur, Post Shaha,
Tq. Karanja, Dt. Washim.**NON-APPLICANTS**

Shri Raju Kadu, Advocate for the Applicant.
Shri S. S. Doifode, Additional Public Prosecutor for the Non-applicant
No.1/State.
Shri Mahesh Rai, Advocate for Non-applicant No.2.

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

DATE : 13.08.2021.

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 applicant is challenging registration of the

First Information Report No.247/2021 dated 09.04.2021 registered with the non-applicant no.1 - Police Station for the offence punishable under Section 379 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant with the accusations that on 14.01.2021, the applicant came near bus stand, Karanja Lad and there were talks between the applicant and the non-applicant No.2 in respect of sale of car of non-applicant No.2. In the meantime, when the non-applicant No.2 went for urinal, the applicant fled with the car of the non-applicant No.2. The non-applicant No.2 therefore, filed the First Information Report with the non-applicant No.1- Police Station.

The applicant has challenged registration of the First Information Report by way of filing the present application.

5. This Court on 05.07.2021 issued notice for final disposal to the non-applicants. During pendency of the present application, the parties have decided to settle their dispute. The non-applicant No.2 has filed Criminal Application No.1343/2021 to place on record compromise entered into between the applicant and non-applicant No.2. The non-applicant No.2 has placed on record Compromise Deed dated 09.08.2021 entered into between the applicant and the non-applicant No.2. In the said application,

the non-applicant No.2 has stated that in view of the compromise entered into the applicant and the non-applicant No.2, the First Information Report against the applicant deserves to be quash and set aside.

6. Today, the non-applicant No.2 is present in the Court. Shri Mahesh Rai, learned Advocate for the non-applicant No.2 has identified him. He stated before the Court that he has no objection for setting aside the First Information Report registered against the applicant.

7. We have carefully considered the allegations in the First Information Report. Since the applicant and the non-applicant No.2 have settled the matter arising out of commercial transaction of sale of car, we are satisfied that the chances of conviction are bleak and therefore, the judgment of 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, 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.

8. In view of the ratio laid down by the Hon'ble Supreme Court in the case of ***Madan Mohan Abbot*** (*supra*) and in view of settlement between the parties, we are satisfied that the First Information Report No.247/2021 dated 09.04.2021 registered with the non-applicant no.1 - Police Station against the applicant for the offence punishable under Sections 379 of the Indian Penal Code is quashed and set aside.

9. Rule is made absolute in the above terms.

10. In view of disposal of main application, pending Criminal Application (APPP) No.1343/2021 does not survive and the same stands disposed of accordingly.

JUDGE

JUDGE