

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

CRIMINAL APPLICATION (APL) NO. 884 OF 2021

Gajanan S/o. Suresh Tote,
Aged about 43 years,
Occupation : Business,
R/o. 38, Darda Nagar, Yavatmal.

.....**APPLICANT**

... **VERSUS** ...

1. The State of Maharashtra,
Through Police Station Officer,
Police Station Awadhootwadi,
Yavatmal, Distt. Yavatmal.

2. Abhishek Chandrashekhar Dudhe,
Aged 44 years, Occupation : Business,
R/o. 38, Darda Nagar, Yavatmal.

.....**NON-APPLICANTS**

Shri R. N. Ghuge, Advocate and Shri H. D. Dangre, Advocate for the Applicant.
Shri V. A. Thakare, Additional Public Prosecutor for the Non-applicant No.1.
Shri Akshay Naik, Advocate for the Non-applicant No.2.

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

DATE : 08.09.2021.

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.268/2020 dated 16.03.2020 registered with the non-applicant No.1 – Police Station for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant with the accusations that the applicant forged signatures of the family members of the non-applicant No.2 and misused them for the purpose of preparing forged documents and opening bank account in the name of a Company so that the amount due to the non-applicant No.2 will be transfer in the name of the applicant.

5. The applicant has therefore, challenged registration of the First Information Report by way of present application. This Court on 02.09.2021 directed both the parties to remain present. Accordingly, today, the non-applicant No.2 is present personally in the Court. The non-applicant No.2 stated that he has amicably settled his dispute with the applicant and he has no objection to quash Criminal Proceedings against the applicant.

6. We have carefully perused the allegations in the First Information Report and the memorandum of understanding filed by the non-applicant No.2 along with reply dated 07.09.2021. The non-applicant No.2 in the said affidavit has stated that he has no objection for setting aside the First Information Report registered against the applicant. On careful perusal of the allegations in the First Information Report, we are satisfied that the offences alleged against the applicant are personal in nature. 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.

7. In view of the amicable settlement of dispute between the applicant and the non-applicant No.2, there is no impediment for quashing the First Information Report against the applicant.

8. We therefore, pass the following order :

The First Information Report No. 268/2020 dated 16.03.2020 registered with the non-applicant No.1 – Police Station for the offences punishable under Section 420, 467, 468 and 471 of the Indian Penal Code is quashed and set aside.

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

JUDGE

JUDGE