

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

CRIMINAL APPLICATION (APL) NO. 1084 OF 2021

APPLICANTS

- : 1 Puneet S/o Rajkumar Mahajan,
Aged about 52 years, Occ : Business,
Resident of Plot No. 719, Vijay Nagar,
Chhaoni, Nagpur
- 2 Rajkumar S/o Parmanand Mahajan,
aged about 83 years, Occ : Nil,
Resident of Plot No. 719, Vijay Nagar,
Chhaoni, Nagpur
- 3 Mrs. Shukla W/o Rajkumar Mahajan,
aged about 78 years, Occ : Housewife,
Resident of Plot No. 719, Vijay Nagar,
Chhaoni, Nagpur
- 4 Ms. Jyoti D/o Satbir Singh,
aged about 41 years, Occ : Housewife,
Resident of Plot No. 272, Kabirpur Road,
Kabirpur, Sonapat (Haryana)

VS.

NON - APPLICANT : State of Maharashtra Through Police
Station Officer, Police Station Sadar,
Nagpur

Mr. Sahil Dewani, Advocate for the applicants No.1 to 3
Mr. Masood Shareef, Advocate for the applicant No.4
Mr. V.A. Thakre, APP for the non-applicant / State

CORAM: VM.DESHPANDE, &
PUSHPA V. GANEDIWALA, JJ.

DATE : OCTOBER 13, 2021

JUDGMENT : (Per : VM.DESHPANDE, J.)

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

2. This is an application under Section 482 of the Code of Criminal Procedure, which is filed by the applicants, who are accused No.1 to 3 and the complainant / informant in Crime No.202/2021 registered with Police Station Sadar, Nagpur for the offences punishable under Sections 294, 323, 420, 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

3. The applicants No.2 and 3 are the parents of the applicant No.1 whereas applicant No.4 is the original complainant. The applicants No.1 to 3 are represented by learned counsel Shri Sahil Dewani, whereas the applicant No.4 is represented by the learned counsel Shri Masood Shareef. He identified the applicant No.4, who is present in the Court hall.

4. This application is also affirmed by the applicant No.1 and applicant No.4.

5. The applicants No. 1 to 3 were granted pre-arrest bail by the competent Courts.

6. The learned counsel for the applicants submitted that the applicant No.1 and applicant No.4 have mutually settled their *inter-se* dispute by executing a document styled as “memorandum of understanding”. The said document is a notarized document. By the said, the applicant No.1 agreed to pay an amount of Rs.19,50,000/- to the applicant No.4. Also clause No.5 of the said understanding recites

that applicant No.1 alone shall be responsible for the entire liability of Kotak Mahindra Bank loan which was taken in loan agreement No. CE-994045 dated 24/05/2021.

7. The applicant No.4, who is personally present in the Court, both of us enquired with her as to whether she is withdrawing her complaint under duress, any pressure exerted on her either by the applicant No.1 or anybody. The enquiry was made to her in vernacular by both of us and she in reply submitted that she is withdrawing all her allegations against the applicants No.1 to 3 at her will. She also submitted that she wish to go to her native place situated at Gurgaon, Harayan State.

8. The applicant No.4 informed the Court that she has received Rs.14,25,000/- out of Rs.19,50,000/-, as agreed. Shri Masood Shareef, the learned counsel representing her informed the Court that the applicants No.1 to 3 has handed over demand draft of Rs.5,25,000/- to him to be given to the applicant No.4. In the Court hall itself, Shri Masood Shareef, learned counsel has handed over the demand draft to the applicant No.4.

9. Since the complainant herself is stating that the complaint was lodged due to misunderstanding. The tenor of the First Information Report shows that it is the dispute personal in nature. Since the complainant herself is withdrawing the complaint, it would be a futile

exercise to allow to continue with the prosecution since it will noting but a judicial waste of time.

10. In that view of the matter, we pass the following order :

The joint application filed on behalf of the applicants is allowed.

The First Information Report No. 202/2021, registered with Police Station Sadar, Nagpur for offence punishable under Sections 294, 323, 420, 498-A, 504, 506 read with Section 34 of the Indian Penal Code stands quashed and set aside.

Rule is made absolute in above terms.

JUDGE

JUDGE

MP Deshpande