

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (APPP) NO. 179 OF 2021
IN
CRIMINAL APPLICATION (APL) NO. 824 OF 2020
(Sabbrat s/o Sarat Kanungo & Ors. Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. K.H. Dodani, Advocate for the applicant Nos. 1 to 5.

Mrs. M.A. Barabde, A.P.P. for the respondent.

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**CORAM : M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.
DECEMBER 21, 2021.**

Having regard to the subsequent development, we grant the applicants leave to amend the original application.

2] Amendment to be carried out forthwith.

3] The Application stands disposed of.

CRIMINAL APPLICATION (APL) NO. 824/2020.

4] Heard learned counsel for the parties.

5] Though, this is not normally permissible, applicant Nos. 1 to 5 (accused) are represented by Mr. K.H. Dodani, learned counsel, and applicant No.6 (complainant) is represented by Mr. Prakash Rawlani, learned counsel in this is a joint application by applicant Nos. 1 to 6 for quashing of

FIR No. 585/2019 dated 16/12/2019 registered at Police Station – Ganeshpeth, Nagpur, and the consequent charge sheet filed before the Judicial Magistrate First Class – 1, Nagpur vide R.C.C. No. 3691/2020.

6] Applicant No.6 (complainant) had alleged that applicant Nos. 1 to 5 had committed offences punishable under Sections 406, 409, and 420 read with Section 120(B) of the Indian Penal Code. From the perusal of the record, we find that the complaint was to a great extent personal to the complainant. The learned counsel for the parties submitted that they have settled their dispute, and the accused persons have also paid to the complainant approximately Rs.39,00,000/- (rupees thirty-nine lakh). The learned counsel for the complainant also states that the complainant has no objection to the grant of reliefs in this application.

7] Having regard to the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466**, we see no difficulty in accepting the submissions made by the learned counsel for the applicants and quashing the impugned FIR as well as the charge sheet filed based thereon.

8] However, the applicants will have to pay costs of Rs.25,000/- (rupees twenty-five thousand) within two weeks from today in favor of the Vidarbha Lady Lawyers' Association, Nagpur. The impugned FIR and the consequent charge sheet referred to above are quashed, but subject to the payment of such costs.

9] The order of quashing will take effect from the date the applicants pay the costs within this period of two weeks and file on record the necessary receipt/ proof of payment. If such costs are not paid within two weeks from today, then this application shall be deemed to have been dismissed without any further reference to this Court, again with costs of Rs.25,000/- (rupees twenty-five thousand).

10] The application is disposed of in the aforesaid terms.

(PUSHPA V. GANEDIWALA, J.)

(M.S. SONAK, J.)

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