

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

CRIMINAL APPLICATION (APL) NO.1343 OF 2021

1. Meenakshi w/o Madhusudan Nagar
Aged about 62 years, Occ: Household,
R/o 10/13-D, Circuit House Road,
Mahananda Nagar, Ujjain (M.P.)
2. Kunal s/o Prashan Dashottar
Aged 40 years, Occ: Professional,
R/o Badkas Chowk, Aychit Mandir
Road, Nagpur.
3. Harish s/o Devicharan Tiwari
Aged 46 years, Occ: Business,
R/o Plot No.12, Pragatisheel Colony,
Opposite Sai Mandir, Wardha Road,
Nagpur -440015 (P.S. Pajaj Nagar).
4. Rajani Narendra Pande,
Aged 49 years, Occ: Private Service,
R/o Third Floor, Bhagwati Apartment,
Kotwal Nagar, Nagpur – 440022.

....**APPLICANTS**

...V E R S U S...

State of Maharashtra,
Through P.S.O., M.I.D.C.,
Police Station, Nagpur City,
Nagpur.

....**NON-APPLICANT**

Shri N.L. Jaiswal, Advocate for applicants.

Shri T.A. Mirza Additional Public Prosecutor for non-applicant/State.

CORAM:- M.S. SONAK AND PUSHPA V. GANEDIWALA, JJ.

DATE :- 18th DECEMBER, 2021

ORAL JUDGMENT (PER : M.S. SONAK , J.)

Heard. Shri N.L. Jaiswal, learned counsel for the applicants
and Shri T.A. Mirza, learned Additional Public Prosecutor for non-
applicant/State.

2. **Rule.** The Rule is returnable forthwith at the request of and with the consent of the learned counsel for the parties.

3. This is a joint application made by the complainant as well as accused persons seeking quashing of the F.I.R. bearing Crime No.528/2021 registered with Police Station, M.I.D.C., Nagpur for the offenses punishable under Section 406 and 420 read with Section 34 of the Indian Penal Code.

4. Learned counsel for the applicants as also applicant no.2-Shri Kunal Dashottar (original complainant), who is present in Court, submit that the parties have entered into a Memorandum of Compromise, which is annexed to this application (Annexure-B). He submits that the dispute between the parties have been resolved and they jointly pray that impugned F.I.R. be quashed in the interest of justice.

5. This case we are satisfied that the case has been made out for quashing of the F.I.R. The allegations to a great extent were personal to the complainant. The Hon'ble Supreme Court in the case of **Narinder Singh and others Vs. State of Punjab and another** reported in (2014) 6 SCC 466 as approved the quashing of F.I.R. in such circumstances.

6. In view of the aforesaid reasons, we allow this application in terms of prayer clause (a), which reads as follow:

“(a) Quash and set aside the First Information Report dated 12.08.2021 bearing Crime No.528 of 2021 registered by M.I.D.C. Police Station, Nagpur City, Nagpur, for the offences punishable under Sections 406, 420 read with 34 of the I.P.C. against the applicants No.3 and 4 at Annexure A and acquit the said Applicants”

7. The applicants will however to pay costs of Rs.25,000/- to the High Court Legal Services Sub-committee, Nagpur. This cost will have to be paid within two weeks from today.

8. The order of quashing will take effect from the date such costs are paid and proof of payment filed in this Court.

9. The Rule is made absolute in above terms.

10. Since main application is disposed of, Criminal Application (APPP) No.2090 of 2021 stands disposed of.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)

Wagh