

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO 2087 OF 2019

WITH

**CRIMINAL APPLICATION NO.2219 OF 2022
IN APPLN/2087/2019**

WITH

APPLN/3042/2022 IN APPLN/2087/2019

**SALIL S/O. ANUPENDRANATH CHATURVEDI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

. . .

Advocate for Applicants : Mr. Rameshwar F. Totala h/f. Mr. R. A. Karwa
APP for Respondent – State : Mr. B. V. Virdhe
Advocate for Respondent No.2 : Mr. S. S. Patil

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**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 10 OCTOBER 2022

PER COURT :

Criminal Application for amendment is allowed. Amendment to be carried out forthwith.

2. Heard learned advocate Mr. Totla for applicants, learned advocate Mr. Patil for respondent No.2 informant and the learned APP

3. The application has been filed under section 482 of the Code of Criminal Procedure seeking quashment of Crime No. 215 of 2019 registered

with MIDC CIDCO Police Station, Aurangabad for the offences punishable under sections 406, 420 read with section 34 of Indian Penal Code.

4. Learned advocates Mr. Totala and Mr. Patil would unanimously submit that the crime was registered pursuant to the dispute which was essentially of a civil nature. It had occurred between the two sides on account of sale of immovable property. They unanimously submit that both the sides have amicably settled the dispute out of the Court. The terms of settlement have also been notarized and placed on record along with Criminal Application No. 3042 of 2022.

5. Mr. Patil, learned advocate for respondent No.2 also tenders across the bar affidavit of respondent No.2, wherein respondent No.2 has substantiated the fact of amicable settlement and even expressed that he has no objection for quashing the crime.

6. Going by the allegations in the FIR it is quite apparent that the applicants had agreed to sell some shops to the respondent No.2 for a specific consideration, however, the transaction could not materialize and the FIR was lodged.

7. It was clearly a civil dispute arising out of some transaction relating to sale and purchase of immovable property. When parties have reached an amicable settlement, we see no reason not to quash the crime. The compromise cannot be said to be against any public policy.

8. The application is allowed.
9. The Crime No.215 of 2019 and charge-sheet are quashed and set aside.
10. All pending applications are disposed of.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

Tandale/-