

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.351 OF 2020**

Sachin Babulal Burad and Ors. ...Applicants

Versus

The State of Maharashtra and
Ors. ...Respondents

...

Mr. Veerdhaval Kakade for the Applicants.
Mr. Inayat Ali Qureshi for Respondent No.4.
Mr. J.P. Yagnik, APP for Respondent -State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

JUDGMENT DATED : 4th JANUARY, 2022.

JUDGMENT :

This application is preferred under Section 482 of Code of Criminal Procedure seeking to quash the FIR registered vide Crime No. 615 of 2019 dated 28/06/2019 for the offences punishable under Sections 406, 420 and 468 r/w 34 of IPC, on the ground that the Applicants and the Respondent Nos.2 to 5 have mutually settled all the disputes between them.

2. Brief facts of the present case are as under:-

It is the case of the Informant that, the Informant and his associates i.e. Mr. Yogesh Walhe, Mr. Abhijeet Kadam and Mr. Rohit Tatke are businessmen and they were on lookout for business of restaurant and accordingly they had a meeting with the Applicants and thereafter the Informant and his associates/Respondent nos.2 to 5 decided to become partners in the business and made investment from time to time. However, in the month of February-2019 the Informant has realised that the Applicants had cheated and defrauded the Informant by misrepresenting them and as such the FIR came to be lodged alleging therein that the Applicants had cheated and defrauded the Informant for total sum of Rs.58,85,534/-.

3. The said FIR was registered as Crime No.615 of 2019 registered with Chaturshrungi Police Station, Pune against the Applicants for offences punishable under Sections 406, 420 and 468 r/w 34 of the IPC. The Applicants are seeking to quash the said FIR by way of present proceedings filed under Section 482 of Cr.P.C.

4. Heard learned counsel for the respective parties.

5. Learned counsel for the Applicants, has pointed out that the dispute between the parties has amicably settled and accordingly consent / deed of settlement dated 15/07/2019 was signed by both the parties and in pursuance to same, the Applicants have made payment of Rs.45,00,000/- to the Respondent Nos.2 to 5. It is submitted that the chart of the payment has been given in the petition and accordingly, the Respondent Nos.2 to 5 have filed an affidavit dated 15/07/2019 duly signed by the Respondents acknowledging the receipt of payment and also acknowledging the settlement between the parties. Accordingly, the learned counsel for the Applicants submits that in view of the settlement, the Informant does not want to proceed further in the above referred criminal proceedings.

6. The dispute involved in the present matter is admittedly a purely personal nature. As held by the Hon'ble Supreme Court of India in case of ***Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]***, that any disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the

matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation, we are of the opinion that no purpose would be served in this matter, if the trial is allowed to continue. In the circumstances, we pass the following order:-

7. The application is allowed subject to the Applicant Nos.1, 2 and 3 and Respondent Nos.3, 4 and 5 to deposit an amount of Rs.50,000/- each with the Civil Surgeon, Civil Hospital, Pune. On receipt of the amount, the Civil Surgeon may utilise the amount either for a dedicated Covid Center or for any purpose providing medical assistance in the Civil Hospital, Pune. Accordingly, the First Information Report No.615 of 2019 registered with Chaturshrungi Police Station, Pune for the offences punishable under Sections 406, 420 and 468 r/w Section 34 of the IPC is hereby quashed and set aside.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)