

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

**WRIT PETITION (WP) NO. 67/2018**

Smt. Rashmi W/o Salil Majgoankar  
Aged about: 48 Years  
Occupation: Business  
R/o. 81, Hill Road, Ramnagar  
Nagpur – 440033.

..... PETITIONER

**// VERSUS //**

1. State of Maharashtra  
Through Police Station Officer,  
Shakarrdara, Nagpur
2. Shri Sunil Thulkar  
Sub- Registrar No. 2  
Office at, Mahadgikar Nagar Chowk,  
1<sup>st</sup> Floor, Above Bank of Baroda  
Nagpur

.... RESPONDENT(S)

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Mr. Shyam Dewani, Advocate for the petitioner  
Mr. I.J. Damale, APP for respondent no. 1  
None for respondent no. 2  
Mr. D.J. Sindhu, Advocate for the complainant  
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**CORAM : SUNIL B. SHUKRE AND**  
**M. W. CHANDWANI, J.J.**

**DATED : 08/12/2022**

**ORAL JUDGMENT** : (PER:- SUNIL B. SHUKRE, J.)

Heard.

2            It is stated by the learned Counsel for the petitioner and the  
the complainant (i.e. Mr. Sudhir S/o. Madanlal Gupta) that Crime No.

3003/2018 registered for the offence punishable under Sections 82 of the Registration Act, at Police Station Sakkardara, Nagpur was a result of mis-understanding between the petitioner and the complainant, which mis-understanding arose out of their private dispute. This is also the submission of the petitioner and the complainant, who are personally present before this Court and they are identified by their respective Counsel. The complainant points out that he has already filed an affidavit stating all these facts and settlement between between the petitioner and the complainant and that he has no objection, if the writ petition is allowed.

3. The learned APP for respondent no. 1 submits that an appropriate order in the matter be passed.

4. We are satisfied that the dispute which lies at the core of the crime registered against the petitioner in this case is of a private nature and in view of the settlement between the parties, we are of the further view that it is a fit case for making interference. Accordingly, the writ petition is allowed in terms of prayer clauses (a) and (a-1), which read as under:

*“a) Quash and set aside the FIR registered by the Respondent no. 2 vide Crime No.3003/2018 at P.S. Sakkardara, Nagpur for the offences punishable under Section 82 of the Registration Act, 1908 (ANNEXURE-R) and all the consequential investigations/ actions/ proceedings thereto in the peculiar facts and circumstances of the present case and in the interest of justice;*

*(a-1) Quash and set aside the prosecution launched in the present matter vide Regular Criminal Case No. 29487/2018 pending before the Learned JMFC Corporation Court No.1, Nagpur, in the peculiar facts and circumstances of the case and in the interest of justice;”*

This is, however, subject to condition that the petitioner shall deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand only) and the complainant (i.e. Mr. Sudhir S/o. Madanlal Gupta) shall deposit an amount of Rs.5,000/- (Rupees Five Thousand only) as a cost of the litigation, in the account of the Office of the Government Pleader, High Court of Bombay, Nagpur Bench, Nagpur within a period of two weeks from the date of the order, failing which, these amounts shall be recovered by the Registry in accordance with law by treating it as fine imposed by this Court.

5. Rule is made absolute in the aforesaid terms.

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)

SANDIP  
MAHADEV  
GATE

Personal Assistant to the  
Hon'ble Judge  
Digitally signed by  
SANDIP MAHADEV GATE  
Date: 2022.12.09 15:02:22  
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