

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.311/2022

1. Parasram S/o Sakharam Bodele,
aged about 64 Yrs., Occ. Retired,
R/o Shrinagar Colony, Ward No.3
Sendhurwafa, Tah. Sakoli, Dist. Bhandara.
2. Kamlesh S/o Dashrath Dongre,
aged about 40 Yrs., Occ. Service,
R/o Khaba Jamli Road, Near Hanuman
Temple, Ward No.3, Satalwada, Sakoli,
Dist. Bhandara.
3. Rohit S/o Subhash Hatwar,
aged about 30 Yrs., Occ. Private,
R/o Nilagondi, Salebhata,
Taluka Lakhni, Dist. Bhandara.
4. Nilesh S/o Jagdish Badole,
aged about 35 Yrs., Occ. Private,
R/o Sendurwafa, Ward No.3,
Shrinagar Colony, Sakoli,
Dist. Bhandara.

...

Appellants

- Versus -

The State of Maharashtra,
through its Police Station Officer,
Police Station Sakoli,
Dist. Bhandara.

... Respondent

Mr. R.V. Khaprade, Advocate for the applicants.

Mr. S.D. Sirpurkar, A.P.P. for the Respondent.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 23.6.2022

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent.

2. Applicant No.1 is the complainant on whose complaint offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code are registered against the applicants. Applicant No.1 on the one hand and the remaining applicants on the other state that dispute constituting the complaint made by applicant No.1 in police station has been amicably settled by them and that is the reason why the complainant and the accused have filed this joint application

under Section 482 of the Criminal Procedure Code seeking quashing of the F.I.R.

3. The applicant No.1 and remaining applicants are personally present before the Court and they are identified by the learned counsel. Learned counsel for the applicants submits that applicant No.1 and the remaining applicants have voluntarily entered into the settlement and that they would abide by the terms and conditions of the settlement. The submission so made by the learned counsel for the applicants including the applicant No.1 is accepted.

4. Learned A.P.P. submits that appropriate orders in the matter may be passed.

5. The F.I.R. discloses private dispute between the parties and, therefore, in view of settled law including Narinder Singh and others V/s. State of Punjab and another reported in (2014) 6 SCC 466, we are of the view that this application

deserves to be allowed. The application is allowed in terms of prayer clause (i) which is reproduced as under:-

“i. quash and set aside the First Information Report registered with non-applicant vide Crime No.369/2021 under Section 420, 406 R/w 34 of Indian Penal Code against applicant Nos.2 to 4.”

This is however subject to the condition that all the applicants shall jointly and severally pay costs of ₹30,000/- (Thirty Thousand Only) which shall be deposited in the account of District Jail, Bhandara for the library of prisoners within two weeks from the date of the order, failing which this order shall stand cancelled without reference to this Court and the criminal application shall stand restored to the original file of the Court.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Tambaskar.