

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

CRIMINAL APPLICATION (APL) NO. 281 OF 2022

1. Fattehsingh s/o Bhalchandra Maradwar
Aged about 76 years, Occ: Retired,
R/o Sawata Mandir, Ward No.1,
Kalmeshwar, Tq. Kalmeshwar, Dist.
Nagpur
2. Ahmad Husain Rahmatullah Shaikh,
Aged about 41 years, Occ: Service,
R/o Plot No.2, Shri Sai Sevashram
Housing Society, Behind St. Palloti School,
Suraj Nagar, Mankapur Ring Road,
Nagpur-440013.
3. Manoj Pacham Shahu
Aged about 42 years, Occ: Business,
R/o Bazar Line, Durga Chowk, Deori,
Dist. Gondia-441901.

...APPLICANTS

---VERSUS---

State of Maharashtra,
Through P.S.O.
Kalmeshwar, Nagpur (Rural), Nagpur

--NON-APPLICANT

Shri P.V. Ghare, Advocate for the applicants.
Ms N.R. Tripathi, Additional Public Prosecutor for Non-applicant/State.

**CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.**

DATE : 26th APRIL, 2022.

JUDGMENT : (PER - AMIT BORKAR, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicants have jointly prayed for quashing of First Information Report (FIR) No.455/2021 lodged with non-applicant Police Station under Sections 420, 463, 467 and 470 of the Indian Penal Code.

4. The FIR came to be registered against the applicant no.1 with the accusations that the applicant no.1 in his capacity as Chief Promoter of the cooperative society sold a plot in favour of one Rahul Brijlani who in turn sold the same plot in favour of applicant nos.2 and 3. It is alleged that after the execution of sale-deed, the applicant no.1 got mutated his name in the revenue record and received amount of compensation under the provisions of Land Acquisition Act.

5. During the pendency of the investigation, the applicants arrived at mutual settlement. The learned Advocate for the applicants placed on record a copy of order passed by the learned 18th Joint Civil Judge, Senior Division, Nagpur in Special Civil Suit No.510 of 2021, wherein the learned Judge has disposed of the suit by directing that amount of compensation received by the applicant no.1 shall be disbursed in favour of applicant nos.2 and

6. The said order is taken on record and marked as 'Exh.X' for identification.

7. We have carefully considered the allegations made in the FIR along with the copy of order dated 20.01.2022 passed by the Civil Court and we are satisfied that the dispute involved between the parties is predominantly civil in nature and therefore on amicable resolution of the dispute, there is no impediment in quashing the FIR against the applicant no.1.

8. We therefore pass the following order :

(i) The application is allowed.

(ii) Rule is made absolute in terms of prayer clause (a), which reads as under:

“(a) Quash and set aside the F.I.R.No.455/2021 (ANNX-B) lodged with the respondent-PS.Kalmeshwar, Nagpur (Rural), Nagpur on 16.08.2021 against the Applicant no.1 for offences punishable under Section 420, 463, 467 and 471 of the Indian Penal Code”

JUDGE

JUDGE

Wagh