

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

CRIMINAL APPLICATION (APL) NO. 359 OF 2022

1. Dilip Panjabrao Gajbhiye,
Aged about 60 years,
Occupation : Retired,
R/o. 194, Mahalaxmi Nagar,
New Narsala Road, Nagpur.
 2. Vijayendra Dilip Gajbhiye,
Aged about 37 years, Occupation : Service,
R/o. Plot No.171, Chandan Nagar,
Near Gandhi Krida Ground, Nagpur.
At present R/o. Amravati.
- APPLICANTS**

---VERSUS---

State of Maharashtra,
Through Police Station Officer,
Police Station Imamwada, Nagpur.

---NON-APPLICANT

Mr. B. M. Lonare, Advocate for the Applicants.
Mr. T. A. Mirza, Additional Public Prosecutor for the Non-applicant/State.

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

DATE : 17.03.2022.

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, who are father and son are jointly challenging registration of the First Information Report bearing No.67/2022 dated 12.02.2022 registered with the non-applicant – Police Station to the extent of the applicant No.2 for the offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code.

4. The First Information Report came to be registered against the applicant No.2 with the accusations that the applicant No.2 withdrawn amount of Rs.5,10,000/- from the account of the applicant No.1, by forging signature and pan card of the applicant No.1.

5. During pendency of the investigation, the applicant Nos.1 and 2 being father and son, have amicably resolved their dispute. The applicant No.1 – complainant is the father, who is present in the Court and stated before the Court that he does not want to continue with the prosecution and he has no objection for quashing the First Information Report against the applicant No.2.

6. We have carefully considered the allegations in the First Information Report and we are satisfied that the allegations in the

First Information Report do not fulfill the ingredients of the offence alleged against the applicant No.2.

7. The decision of the Hon'ble Apex Court in the case of *Narinder Singh & others Vs. State of Punjab & anr.* reported in *(2014) AIR SCW 2065*, makes it clear that the Court cannot declare to quash the First Information Report merely because the First Information Report incorporates a particular provision which is a serious offence or offence against society. The Court has to make an endeavour to find out whether the information in the First Information Report indeed discloses the ingredients of such offence and the Court can accept the settlement and quash the report/charge-sheet only after the Court is of the opinion that such an offence is unnecessarily incorporated in the First Information Report/charge-sheet.

8. From the perusal of the First Information Report and the material produced in the Court, we are satisfied that the ingredients of the offences under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code are not fulfilled. Since the applicant Nos.1 and 2 have mutually resolved their dispute, chances of conviction are bleak.

9. We therefore, satisfied that in absence of fulfillment of the ingredients of the offences alleged against the applicant no.2,

there is no impediment for quashing the First Information Report against the applicant No.2.

10. We therefore, pass following order :

11. The First Information Report bearing No. 67/2022 dated 12.02.2022 registered with the non-applicant– Police Station to the extent of the applicant No.2 for the offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code is quashed and set aside.

12. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

JUDGE

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