

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

CRIMINAL APPLICATION (APL) NO.798 OF 2022

{Ganeshprasad s/o Rameshwarprasad Shivhare and Ors. ..Vrs.. State of
Maharashtra and Ors.}

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri R. K. Tiwari, Advocate for the Applicants.
Shri M. J. Khan, APP for the Respondent no.1/State.
Shri S. L. Kotwal, Advocate for the Respondent nos.2 to 7.

CORAM : MANISH PITALE AND
VALMIKI SA MENEZES, J.J.

DATE : 28th JULY, 2022.

. Heard learned counsel appearing for the parties.

2. By this application, the applicants are seeking to invoke powers of this Court under Section 482 of the Code of Criminal Procedure (Cr.P.C.) for quashing of First Information Report (FIR) as well as the charge-sheet and Regular Criminal Case No.272 of 2010, registered pursuant thereto.

3. Offences under Sections 420 and 467 read with Section 34 of the Indian Penal Code (IPC) and Section 82 of the Registration Act, 1908, were registered against the applicants herein.

4. It appears that a civil suit was also filed against the applicants in the context of the dispute that arose between

the parties. It is claimed that the applicants had failed to pay amount of consideration to the complainant.

5. The legal representatives of the original complainant are respondent nos.2 to 7 before this Court. They have appeared through counsel.

6. Attention of this Court is invited to a compromise pursis dated 10.12.2021, filed before the Competent Court in the pending civil suit bearing Special Civil Suit No.161/2010. It is recorded in the said pursis that the parties have amicably settled the disputes amongst themselves and that the applicants have agreed to pay an amount of Rs.30,00,000/- (Thirty Lakhs Only) to the respondent nos.2 to 7 towards full and final settlement of their grievance, which the said respondents have agreed to accept. The said amount is already deposited in the pending civil suit before the Competent Court. The respondent nos.2 to 7 will be able to withdraw the said amount upon the FIR and charge-sheet as well as the criminal case being quashed, in view of the settlement between the parties.

7. The Hon'ble Supreme Court in the case of *Gian Singh ..Vrs.. State of Punjab and another, 2012 (10) SC 303*, has laid down categories of cases in which, the Court can exercise power to quash such criminal cases, when the parties amicably settled their *inter-se* disputes. Such categories include a category of disputes having civil flavor

and where it is found that no purpose would be served if the criminal proceeding is allowed to continue.

8. In view of the compromise pursis placed on record and the statements made by the learned counsel appearing for the applicants as well as learned counsel for the respondent nos.2 to 7, this Court is convinced that the criminal case can be quashed so as to facilitate final settlement of the disputes between the parties.

9. In view of the above, the application is **allowed** in terms of prayer Clause (a), which reads as follows :

“(a) quash Regular Criminal Case No.272/2010 filed against the applicants Nos.1 to 4 under sections 420, 467 r/w 34 of IPC and under Section 82 of the Registration Act pending on the file of JMFC, Corporation Court No.1 at Nagpur.”

10. Criminal application is disposed of.

(VALMIKI SA MENEZES, J.) (MANISH PITALE, J.)

TAMBE