

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

CRIMINAL APPLICATION (APL) NO. 1099 OF 2021

1. Smt. Sunanda Wd/o. Vasantrao Mankar,
Aged about 58 years, Occ. : House hold,
2. Swati W/o. Raman Pannase,
Aged about 32 years, Occ.: Housewife,
3. Raman S/o. Nanaji Pannase,
Aged about 39 years, Occ.: Private,
All R/o. Plot No.1142, Vinoba Bhave
Nagar, Near Gandhi Putla, Galli No.32,
Nagpur – 17. --APPLICANTS

---VERSUS---

1. State of Maharashtra
Through P. S. O. Yashodhara Nagar,
Yashodhara Nagar, Nagpur.
2. Smt. Priya Wd/o. Vishal Mankar,
Aged about 28 years, Occ.: House hold,
R/o.C/o. Devchand Hedau, Vinoba Bhave
Nagar, Galli No.1, Nagpur – 17.
3. Corporation Bank
Through it's Manager
Office at – Nagpur Main Branch,
National Insurance Building Gr. Floor,
Kingsway, S.V. P. Marg, Nagpur 440 001. --NON-APPLICANTS

Mr. P. A. Teni, Advocate for the Applicants.
Mr. T. A. Mirza, A.P. P for the Non-applicant/State.
Mr. Mohd. Ateeque, Advocate for Non-applicant No.2.

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

DATE : 27.04.2022.

ORAL 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 are challenging registration of the First Information Report bearing No.554/2021 registered with the non-applicant No.1 – Police Station for the offences under Sections 294, 506B, 504, 420, 354, 448, 452, 498A, 506, 406, 408, 120B, 323, 324, 352, read with Section 34 of the Indian Penal Code.

4. The First Information Report came to be registered in pursuance of order passed under Section 156(3) of the Code of Criminal Procedure. The complaint came to be filed against the applicants with the accusations that the husband of the non-applicant No.2 was having account in the State Bank of India, Branch Panchpaoli, Nagpur. It is alleged that the applicants abused the non-applicant No.2 but the Police Authority refused to lodge the report against the applicants. It is alleged that in spite of getting legal heirship certificate, the amount was not handed over to the non-applicant No.2.

5. The applicants have therefore challenged registration of the First Information Report along with the order under Section 156(3) of the Code of Criminal Procedure passed by the learned Judicial Magistrate First Class, Nagpur in Misc. Criminal Application No.3395/2021 by way of present application

6. During the pendency of the present application, the parties have amicably resolved their dispute.

7. During the pendency of the present application, the subject matter was referred to a Mediator and the Mediator has submitted a report dated 16.04.2022 stating that the applicants and the non-applicant No.2 have amicably resolved their dispute. The terms of settlement arrived at by the applicants and the non-applicant No.2 are placed on record, which is dated 12.04.2022. The Terms of Settlement is submitted along with the Mediation Report which is already on record.

8. On perusal of the Terms of Settlement, we are satisfied that the non-applicant No.2 has amicably resolved to give her no objection for quashing proceedings against the applicants only on the condition that the Terms of Settlement are abided by the applicants in its letter and spirit. We make it clear that in case of failure to abide by any of the terms of dispute, the order of

quashing criminal proceedings against the applicants shall be entitled to file application before this court for recalling present order.

9. In view of the subject matter of the dispute being amicably resolved, we have carefully scrutinised the allegations in the First Information Report along with the material in the record and we are satisfied that the dispute between the applicants and the non-applicant No.2 is predominantly civil in nature. Therefore, there is no impediment in quashing the criminal proceedings against the applicants.

10. We therefore, pass following order :

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

“Quash and set aside FIR No.554/21 registered by the respondent no.1 police station on the directions of Judicial Magistrate of First Class, Nagpur in Cri. Application No.3395/2021 U/s 294, 506(B), 504, 420, 354, 448, 452, 498(A), 452, 506, 406, 408, 120(B), 323, 324, 352 R/w 34 of I.P.C.”

Pending application(s), if any, stand(s) disposed of.