

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

CRIMINAL APPLICATION (APL) NO. 1126 OF 2022

Dayanidhi s/o Kashyachandra Pati

.Vs.

State of Maharashtra, Thru. P.S.O. Hudkeshwar, Dist. Nagpur and anr.

WITH

CRIMINAL APPLICATION (APL) NO. 1144 OF 2022

Anand s/o Madhukarrao Hatwar

.Vs.

State of Maharashtra, Thru. P.S.O. Hudkeshwar, Dist. Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Saurabh Singha, Advocate for applicant in both applications.

Mr. I.J. Damle, APP for respondent No.1/State in both applications.

**CORAM : MANISH PITALE, &
VALMIKI SA MENEZES, JJ.**

DATE : 24.08.2022.

By these applications, the two accused persons in FIR No.549/2022 dated 09.08.2022 registered at Police Station Hudkeshwar, Nagpur, have approached this Court for quashing of the FIR, primarily on the basis that the non-applicant No.2 in these applications i.e. original informant has settled

the *inter se* dispute between the parties and he no longer desires to pursue the matter.

2. In the present case, the non-applicant No.2 caused registration of the aforesaid FIR for offence under Section 420 read with 34 of the IPC, raising grievance against the applicants in the context of a commercial interaction between the parties pertaining to the sale and purchase of shares. It appears that the grievance of the non-applicant No.2 was that the accused persons had duped him of a certain sum of money.

3. After registration of FIR, the parties settled their dispute and the non-applicant No.2 agreed to cooperate for quashing of the FIR as he has received a specific sum of money towards full and final settlement of his claim.

4. The non-applicant No.2 is present in the Court today and affidavits on his behalf in both the applications are handed over. They are taken on record.

5. The non-applicant No.2 on affidavit has stated about having received the aforesaid amount

through RTGS on 17.08.2022. He has no objection for allowing the applications and quashing the subject FIR.

6. The Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab and anr. (2012) 10 SCC 303***, has held that disputes that are essentially commercial and private in nature leading to initiation of criminal proceedings, when settled between the parties, do warrant exercise of power by the High Court under Section 482 of the Code of Criminal Procedure for terminating such criminal proceedings. It has been held that when continuation of such proceedings would cause unnecessary inconvenience to the parties and the possibility of conviction is remote and bleak, the power under Section 482 of the Code of Criminal Procedure ought to be exercised, in the interest of justice.

7. In view of the above and the facts and circumstances of the present case, particularly in view of the affidavits filed by the non-applicant No.2 in these applications, the same are allowed in terms of prayers made therein.

8. Accordingly, the FIR No.549/2022 dated 09.08.2022 registered at Police Station Hudkeshwar, Nagpur, for the offence under Section 420 read with 34 of the Indian Penal Code is quashed.

9. Pending applications, if any, are disposed of.

[VALMIKI SA MENEZES, J.]

[MANISH PITALE, J.]