

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

CRIMINAL APPLICATION (APL) NO. 1196 OF 2022

Dayanidhi s/o Kashyanchandra Pati

vs.

State of Maharashtra and another

WITH

CRIMINAL APPLICATION (APL) NO. 1200 OF 2022

Sunil s/o. Jagannath Mote and others

vs.

State of Maharashtra and another

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. S.M.Ukey, APP for non-applicant No.1 State in the
both applications.

**CORAM : MANISH PITALE AND
VALMIKI SA MENEZES JJ.**

DATE : 30/08/2022

These applications are listed for the first
time before this Court. Advance copies were served
on the office of the learned Public Prosecutor.

2. When the applications are called out for
hearing, the non-applicant No.2 i.e. original
informer/complainant is personally present and the
learned counsel representing him has handed over
affidavits in these two applications. In Criminal

Application(APL)No.1196 of 2022, the non-applicant No.2 has handed over an affidavit and in Criminal Application(APL)No.1200 of 2022, the applicants and the non-applicant No.2 have handed over joint affidavit before us. The affidavits are taken on record.

3. The subject matter of these two applications is First Information Report (FIR) dated 21/03/2022, registered at Police Station, Ajni, Nagpur for offence under Section 420 read with 34 of the Indian Penal Code (IPC). The non-applicant No.2 made certain allegations against applicants, as regards he being allegedly cheated by the applicants during the course of a business transaction.

4. The non-applicant No.2 in the affidavits filed in both these applications submits that he no longer has any grievance against the applicants, for the reason that they have paid amount of Rs.13 Lakhs by way of RTGS towards full and final settlement of his dues and that therefore, he has no objection to the applications being allowed.

5. In the present case, it appears that the FIR stood registered out of a commercial transaction between the parties and on the basis of grievance raised by the non-applicant No.2. After registration

of the FIR, the parties settled their dispute mutually and this is signified by the affidavits placed before this Court, as also proof of payment of the aforesaid amount by RTGS to the non-applicant No.2.

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. In view of the above, we are inclined to allow the present applications, but we are of the view

that the Police machinery, which is already overburdened was triggered into action because of the registration of the FIR and the matters landed up before this Court, increasing the docket of this Court also. In that view of the matter, we are of the opinion that the applicants must deposit costs, for the present applications to be allowed.

9. Accordingly, the applications are allowed and FIR bearing No. 176 of 2022 dated 21/03/2022, registered at Police Station Ajni, Nagpur, is quashed, subject to applicants in both the applications depositing costs of Rs.25000/- each i.e. the three applicants together in Criminal Application (APL) No.1200 of 2022 depositing costs of Rs.25000/- and the applicant in Criminal Application (APL) No.1196 of 2022 depositing costs of Rs.25000/- in the account of Vidarbha Lady Lawyer's Association (**Account No. 129710100019209**) within a period of **four weeks** from today.

10. It is made clear that if the amount towards costs are not deposited within stipulated period of time, the order passed today shall stand recalled.