

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

WRIT PETITION (WP) NO. 1054/2017

1. Salil S/o. Madhukar Majgoankar
Aged about: 53 Years
Occupation: Business
Through Powa of Attorney of Petitioner No. 2

2. Smt. Rashmi W/o. Salil Majgoankar
Aged about: 48 Years
Occupation: Business

Both R/o. 81, Hill Road, Ramnagar
Nagpur - 440033

..... PETITIONER(S)

// VERSUS //

1. State of Maharashtra
through Police Station Officer,
Panchpaoli, Nagpur/
Economic Offences Wing,
Crime Branch, Nagpur.

2. Smt. Meenakshi W/o Sudhir Gupta
Aged about: 48 Years
Resident of 401, Bhagyashree Apartments,
Ramdaspath, Nagpur.

.... RESPONDENT(S)

Mr. Shyam Dewani, Advocate for the petitioners
Mr. I.J. Damale, APP for respondent no. 1
Mr. D.J. Sindhu, Advocate for respondent no. 2

**CORAM : SUNIL B. SHUKRE AND
M. W. CHANDWANI, J.J.**

DATED : 08/12/2022

ORAL JUDGMENT : (PER:- SUNIL B. SHUKRE, J.)

Heard.

2 It is stated by the learned Counsel for the petitioners and respondent no. 2 that Crime No. 0840/2017 registered for the offences punishable under Sections 406, 420, 409, 467, 471 and 473 of the Indian Penal Code, 1860 (for short the “IPC”) r/w. Section 34 of the IPC at Police Station Panchpavli, Nagpur was a result of mis-understanding between the petitioners and respondent no. 2, which mis-understanding arose out of their private dispute. This is also the submission of the petitioners and respondent no. 2, who are personally present before this Court and they are identified by their respective Counsel. The petitioners point out that they have already filed Criminal Application No. 48/2022 alongwith Settlement Deed executed between the petitioners and respondent no. 2 stating all these facts and they have no objection, if the writ petition is allowed.

3. The learned APP for respondent no. 1 submits that an appropriate order in the matter be passed.

4. We are satisfied that the dispute which lies at the core of the crime registered against the petitioners in this case is of a private nature and in view of the settlement between the parties, we are of the further view that it is a fit case for making interference. Accordingly, the writ petition is allowed in terms of prayer clauses (a) and (a-1), which read as under:

“a) Quash and set aside the FIR registered by the Respondent no. 2 vide Crime No.0840/2017 at P.S. Panchpavli and presently investigated by the Crime Branch, for the offences punishable under Section 406, 420, 409, 467, 471, 473 read with Section 34 of I.P.C. and all the consequential investigations/actions/proceedings thereto in the peculiar facts and circumstances of the present case and in the interest of justice;

(a-1) Quash and set aside the prosecution launched in the present matter vide Regular Criminal Case No. 4495/2018 pending before the Learned JMFC Court No.7, Nagpur, in the peculiar facts and circumstances of the case and in the interest of justice;”

This is, however, subject to condition that the petitioners shall deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand only) and respondent no. 2 shall deposit an amount of Rs.5,000/- (Rupees Five Thousand only) as a cost of the litigation, in the account of the Office of the Government Pleader, High Court of Bombay, Nagpur Bench, Nagpur within a period of two weeks from the date of the order, failing which, these amounts shall be recovered by the Registry in accordance with law by treating it as fine imposed by this Court.

5. Rule is made absolute in the aforesaid terms.
6. Criminal Application No. 48/2022 is also disposed of.

SANDIP
MAHADEV
GATE

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)