

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

CRIMINAL APPLICATION [APL] NO. 223 OF 2022.

1.Sunil Ramesh Lede,
Aged about Adult, 35 years,
resident of 38, Nirmal Nagari,
Umrer Road, Shitala Mata Mandir,
Nagpur 440009.

2.Raju Jyoti Prasad Mishra,
Aged about Adult, 39 years,
resident of Ratan Nagar,
Mankapur 440030.

... **APPLICANTS.**

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Hudkeshwar Police Station,
Nagpur.

2.Ravi Dyaneshwar Thakare,
Aged 28 years, resident of Plot
No.63, Jaidurga Nagar, MB Town,
Zingabai Takli, Nagpur.

... **NON-APPLICANTS.**

Mr. S.Z. Qazi, Advocate for Applicants.
Mr. V.A. Thakare, A.P.P. for Non-applicant No.1-State.
Mr. P. Kumar, Advocate for Non-applicant No.2.

**CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.**
DATE : JULY 12, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

Admit. By consent of the learned Counsel for the parties,
Criminal Application is taken up for final disposal.

2. Applicants are seeking to quash the first information report bearing Crime No.923/2021 registered with Hudkeshwar Police Station, Nagpur, for the offence punishable under Sections 166, 166A, 167, 182, 211 and 218 of the Indian Penal Code, on account of settlement between the parties.

3. It is submitted that there was land transaction in between applicant and father and uncle of the informant. In said relation a dispute arose which led to the registration of a crime. During the

Rgd.

pendency of the investigation, the parties have amicably settled the dispute. The land which was agreed to be sold to applicants was by the time sold by registered sale deed. The parties have filed on record a joint application /affidavit about the settlement. It is stated that due to settlement of dispute, the informant do not wish to prosecute the criminal case.

4. The non-applicant no.2/informant is present in the Court and is identified by his Advocate. The informant has produced original pan card for perusal of the Court. He is directed to place self attested xerox copy of pan card on record. The informant has stated that the dispute was finally settled and therefore, he do not wish to prosecute the criminal case.

5. There was an agreement to sale in between the parties. Initially the matter was not worked out, therefore, a Suit for specific performance was filed. Both sides have made allegations against each other in respect of the concerned land dispute. The dispute is certainly of private nature arising out of a land transaction, which

Rgd.

cannot be termed as against the society or heinous one.

6. At this juncture, we brought to the notice of parties that the offence is of a private nature, however, due to registration of the crime, police machinery was required to investigate into the matter. Upon this, the learned Counsel for applicants upon instructions submits that applicants would deposit an amount of Rs.10,000/- with the High Court Bar Association, Nagpur towards costs.

7. In view of above, there is no purpose in continuing the criminal prosecution. Since the matter is settled, the chances of conviction are remote and bleak. In the circumstances, we proceed to pass the following order.

ORDER.

[i] Criminal Application is allowed and disposed of.

[ii] The first information report bearing Crime No.923/2021 registered with Hudkeshwar Police Station, Nagpur, for the offence punishable under Sections 166, 166A, 167,

Rgd.

182, 211 and 218 of the Indian Penal Code, is hereby quashed and set aside.

- [iii] The applicant to deposit an amount of Rs.10,000/- with the High Court Bar Association, Nagpur on or before 19.07.2023. Matter be listed for noting compliance on 20.07.2023.

JUDGE

JUDGE