

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

CRIMINAL APPLICATION NO.288 OF 2023

1. Ravi Damodhar Bokade, Aged 39 years,
Occ. Business, R/o Shivaji Nagar, Akola,
Tq. & Dist. Akola.
2. Mangala Vinayak Mhaisne, Aged 57
years, Occ. Household, R/o Deoli, Tq.
And Dist. Akola. At present residing as a
tenant at the Residence of Mohokar,
Hariharpeth, Akola, Tq. And Dist Akola.
3. Satish Motisingh Chandel, Aged 35
years, Occ. Labour, R/o Renuka Nagar,
Dabki Road, Old City, akola, Tq. & Dist.
Akola.
4. Kishor Chandramohan Dasar, Aged 40
years, Occ. Labour, R/o Kailash
Gadiwale, Opposite Krushna Mandir,
Bhagatsingh Chowk, akola Tq. && Dist.
Akola.

... APPLICANTS.

VERSUS

1. State of Maharashtra, through
Police Station City Kotwali, District –
Akola.
2. Sau. Saral Ravindran, Aged 67 years,
Occ. Retired, R/o B11, Ravindran
Apartment, R.T.P.S. Road, Surendra
Nagar, Nagpur – 15.

... NON-APPLICANTS.

Shri N.R. Tekade, Advocate for the applicants.
Shri Thakare, A.P.P. for the non-applicant/State.
Shri J.B. Gandhi, Advocate for the non-applicant no.2.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.
DATED : 03.08.2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

Heard.

2. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.

3. This is an application seeking to quash the First information Report as well as the Charge-sheet relating to Crime No.57 of 2016 registered with the City Kotwali Police Station, District Akola for the offence punishable under Sections 420, 419, 468, 471 read with 34 of the Indian Penal Code, on account of mutual settlement in between the parties.

4. Precisely, it was the prosecution case that the informant lady owns an open plot. She never sold the said plot. In the year 2016, she intended to sale the said plot hence made inquiry on which she learnt that

the said plot was shown to be sold by her in favour of applicant no.1 Ravi Bokade. On further inquiry, it was learnt that applicant no.1 Ravi sold the said plot to Shyamabai Yadav and Rajesh Agrawal. Then those purchasers sold the said plot to Draupadibai Bawaskar. The informant lady realized that by personation, the applicant no.1 Ravi has cheated her as well as by creation of false documents got registered the sale-deed posing applicant no.2 Mangala Mhaisne as the real owner. Applicant nos. 3 and 4 were the witnesses to said forged transaction and therefore, the report. The Police investigated the matter and filed the charge-sheet.

5. The informant has also filed a civil suit for cancellation of sale in which the parties arrived at compromise. Resultantly, all subsequent sale-deeds were declared as null and void. In civil suit, compensation of sum of Rs.3 lakhs were paid to the informant. The criminal case was pending since long. The informant is old aged lady of 72 years. Since she got tainted sale-deeds cancelled and received some compensation, she has settled the matter with the applicants. She has also filed a joint affidavit stating that in view of settlement she has no objection to quash the existing criminal prosecution.

6. It emerges that the applicant no.1 Ravi by posing co-accused Mangala as a real owner got executed sale-deed in his favour to which the applicant nos.3 and 4 stood as witnesses. It appears that some of the

forged document like voters Id card was also created for the purpose of forgery. It is apparent that there was deceitful intention since inception by which the innocent lady is tried to be cheated for valuable property. When we have brought this aspect to the notice of the applicants, they have shown their willingness to pay additional compensation of Rs.3 lakhs to the informant at present and Rs.1 lakh within two weeks thereafter. In accordance with that the applicants have already paid Rs.3 lakhs to the informant by RTGS and assures to pay further sum of Rs.1 lakh within two weeks from today.

7. The informant lady is present before the Court, who is identified by her Counsel Shri J.B. Gandhi. She has accepted about receipt of additional compensation of Rs.3 lakhs, about settlement and her no objection to quash the proceedings. It was informed that there were no antecedents against the applicants nor they have indulging in similar type of crime. The transaction though was serious but was of personal nature, wherein only the informant was cheated by the time she has been additionally compensated. Having regard to the settlement, continuation of prosecution amounts to abuse of the process of the Court. In view of the above, the application is allowed.

8. We hereby quash and set aside the First information Report as well as the Charge-sheet relating to Crime No.57 of 2016 registered with

the City Kotwali Police Station, District Akola for the offence punishable under Sections 420, 419, 468, 471 read with 34 of the Indian Penal Code

9. The applicants shall pay balance sum of Rs.1 lakh to the informant within two weeks from today and report the compliance to this Court.

10. The application stands disposed of. Stand over to 18.08.2023 for noting the compliance.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

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