



Judgment

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

CRIMINAL APPLICATION (APL) NO. 553/2023

1. Niranjana S/o. Raosaheb Nirmal,
Aged about 33 yrs., Occ. Business,
2. Raosaheb S/o Baburao Nirmal
Aged about 63 yrs., Occ. Retired
Govt. Employee,
3. Usha Raosaheb Nirmal,
Aged about 58 yrs., Occ. Household,
4. Pritam Niranjana Nirmal,
Aged about 28 yrs., Occ. Housewife,

All Applicants R/o. House No.3,
Siddheshwar Housing Chowk,
Sawedi.

... **APPLICANTS**
(accused)

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Bajaj Nagar, Nagpur – 440010.
2. Smt. Varsha w/o. Vilas Aglawe,
aged about 52 yrs., Profession Lawyer,
R/o. Flat No. 502, Krishna Apartment,
Laxmi Nagar, Nagpur – 440022.

...**NON-APPLICANTS**

Mr. Jitesh Dhuilani, Advocate for applicant..
Ms. Shamshi Haider, APP for non-applicant No.1.
Mr. N. V. Fulzele, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI AND
M. W. CHANDWANI, JJ.**
DATE : 06.11.2023.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report ('FIR') vide Crime No. 26/2023 registered with the Police Station Bajaj Nagar, Nagpur for the offences punishable under Sections 406, 409, 420 read with Section 34 of the Indian Penal Code on account of mutual settlement.

4. It is the prosecution case that time to time, informant's deceased husband has invested the different sums with the applicant No.1 under the assurance to pay higher interest. Some amounts were paid in cash whilst some by bank transfer. The informant's husband has paid total sum of Rs. 2.45 crores to applicant No.1 and his concerns, of which rest applicants were stated to be partners. Since despite assurance the money was not refunded, the informant

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has lodged report about cheating and breach of trust. During pendency, the matter has been amicably settled. Non-applicant No.1 has refunded entire sum of Rs. 2.25 crores. A copy of settlement deed is produced on record. Informant lady has also filed reply stating about the settlement, receipt of agreed sum and her no objection to quash the proceeding.

5. The dispute was purely of private nature. The entire sum has been refunded to the informant lady who has appeared before She has been identified by her Advocate Mr. Fulzele. She has admitted about the settlement and her no objection to quash the proceeding. Having regard to the nature of private transaction, we find no difficulty to quash the proceeding. However, it is apparent that since the Police Machinery was utilised, the matter resulted into settlement by refund of money. At this juncture, learned counsel for applicants made a statement that they would deposit cost of Rs. 25,000/- within four weeks from today.

6. In view of above, application is allowed. We hereby quash and set aside ('FIR') vide Crime No. 26/2023 registered with the

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Police Station Bajaj Nagar, Nagpur for the offences punishable under Sections 406, 409, 420 read with Section 34 of the Indian Penal Code on account of mutual settlement.

7. Application stands disposed of in above terms.

8. The applicant shall deposit cost of Rs. 25,000/- with the Vidarbha Lady Lawyers' Association, Nagpur within four weeks from today.

9. Stand over to 04.12.2023 for noting compliance.

(M. W. CHANDWANI, J.)

(VINAY JOSHI, J.)