

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

CRIMINAL APPLICATION (APL) NO. 1062 OF 2021

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| <p>1. Rajendra Singh s/o Ajit Singh Arora
Aged 58 Years, Occ.: Business,
R/o. Flat No.201, Krushnakunj Apartment,
Plot No.355, Gurunanakpura,
Nagpur – 440017</p> <p>2. Kamaljeet s/o Jagdishlal Upweja
Aged 48 years, Occ.: Business,
R/o. 24, Shala Marg, Chaoube Colony,
Raipur, Chhattisgarh – 492001</p> <p>3. Smt. Jasbir Kaur w/o Kamaljeet Upweja
Aged 43 years, Occ. Business, House No.24,
Shala Marg, Chaoube Colony, Raipur,
Chhattisgarh – 492001</p> | <p style="font-size: 4em;">}</p> | <p>... Applicants</p> |
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Versus

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| <p>1. State of Maharashtra,
Through Police Station Koradi,
Nagpur – 441111</p> <p>2. Smt. Neela w/o Suresh Nair
Aged 48 years, Occ. Household,
R/o. Plot No.16, Flat No. G-1,
Balaji Apartments, Mankapur Faras,
Nagpur – 440013</p> | <p style="font-size: 4em;">}</p> | <p>...Non-applicants</p> |
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Mr. Salim I. Khan, Advocate for applicants.

Mr. N.R.Rode, APP for non-applicant No.1.

Mr. S.R. Poddar, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI, AND
BHARAT P. DESHPANDE, JJ.

DATED : 27.04.2023.

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

. **Admit.** Heard finally by the consent of the learned counsel for the respective parties.

(2) This is an application in terms of Section 482 of the Code of Criminal Procedure, seeking to quash FIR in Crime No.147/2013, registered with Police Station Koradi, District – Nagpur, for the offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, along with related Criminal case bearing RCC No.687/2014, pending on the file of 6th Judicial Magistrate First Class, Nagpur, on account of settlement.

(3) At the instance of report lodged by non-applicant No.2-lady, the crime has been registered. Precisely, it was her grievance that applicant No.1-Rajendra along with co-accused Usha have sold a house property by way of deception. It is her contention that the subject property was an encroachment, however, it was pretended that the constructions was raised by obtaining due permission from Nagpur Improvement Trust. When the informant has realized the things, she has lodged a report against applicant No.1-Rajendra, co-accused Usha and two other persons. After investigation the police have filed

charge-sheet against applicant No.1-Rajendra and co-accused Usha only.

(4) The informant lady in the capacity of consumer has filed a dispute before State Consumer Forum, who in turn directed Rajendra and Usha to jointly and severally pay sum of Rs.40,00,000/- (Rs.Forty Lakhs only). The said order was challenged by applicant No.1-Rajendra as well as co-accused Usha before National Consumer Dispute Redressal Commission. During the pendency of said appeal, the applicant-Rajendra has settled the liability to his extent by paying sum of Rs.20,00,000/- (Rs.Twenty Lakhs Only) to the informant and thus, his appeal was dismissed as withdrawn. It reveals that the informant has settled the dispute qua applicant-Rajendra by accepting sum of Rs.20,00,000/- (Rs.Twenty Lakhs Only). The appeal filed by co-accused Usha before National Commission was dismissed against which she filed Special Leave Petition, which was also dismissed. It is informed that the non-applicant No.2 (informant) is taking steps against co-accused Usha to execute the order. As regards to applicant No.1-Rajendra is concerned, already the matter is settled during pendency of appeal before National Commission.

(5) In view of that, informant do not desire to prosecute the criminal case pending against Rajendra on account of settlement. However, she is desirous to continue the criminal prosecution against co-accused Usha, as she did not paid the amount.

(6) The informant lady is present before us, who is identified by her Advocate Mr. S.R. Poddar. The informant has filed an application stating about the settlement and her no objection to quash entire criminal prosecution qua applicant-Rajendra. We have enquired with the informant, on which, she accepted about settlement and receipt of Rs.20,00,000/- (Rs.Twenty Lakhs only) long back, she has no objection to quash FIR. It is informed that though the criminal case was filed in the year 2014, till date, charges have not been framed. Apparently, the entire transaction is of commercial nature in which the parties have arrived amicable settlement.

(7) In view of that, we deem it appropriate to invoked our extra ordinary jurisdiction.

(8) In view of above, the application is allowed. We hereby quash and set aside FIR in Crime No.147/2013, registered with

Police Station Koradi, District – Nagpur, for the offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, along with pending Criminal case bearing RCC No.687/2014, to the extent of applicant No.1-Rajendra Singh s/o Ajit Singh Arora, only.

[BHARAT P. DESHPANDE, J.]

[VINAY JOSHI, J.]

Prity