



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

CRIMINAL APPLICATION (APL) NO. 1195 OF 2022

APPLICANT :

Tapan S/o Rameshkumar Jaiswal,
Aged about 38 Yrs., Occ - Business,
R/o - Shrijee, Datey Layout,
Swawalambi Nagar, Nagpur 440002.
Mobile No. 7720045159.

V E R S U S

NON-APPLICANTS :

1. The State of Maharashtra
Through Police Station Officer,
Bajaj Nagar Police Station,
Nagpur.
2. The State of Maharashtra
Through In-Charge, Crime Branch,
Nagpur.
3. Rahul s/o Narendranath Dalvi,
Aged about 53 Yrs., R/o - Pandey
Layout, Khamla, Nagpur.

Shr D. V. Chauhan, Advocate for applicant.

Shri S. S. Doifode, Additional Public Prosecutor for respondent
Nos.1 & 2.

Shri Amol Jaltare, Advocate for respondent No.3.

CORAM:- VINAY JOSHI AND

VALMIKI SA MENEZES, JJ.

DATED : 13/10/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Admit.** Heard finally with the consent of learned
counsel appearing for the parties.

2. This is an application seeking to quash charge sheet arising out of Crime No.0188/2020 for the offences punishable under Sections 294, 384, 386, 465, 468, 471 and 506 r/w Section 34 of the Indian Penal Code and Sections 39, 43, 44, 45 and 46 of the Maharashtra Money-Lending (Regulation) Act, 2014 on account of settlement.

3. Though police have invoked various penal provisions, however, it reveals that out of monetary transaction, report has been lodged. Both parties are having long standing financial relations. With the aid and intervention of community mediator, the parties have settled the dispute. The informant has filed affidavit / reply stating that the matter has been settled and he does not want to prosecute the case. The informant is present before us and is identified by Counsel Shri Amol Jaltare.

4. On our query, informant has reiterated that the matter is settled. He does not want to prosecute further. At this juncture, we have brought to the notice that the police are required to utilise public time to investigate and file charge sheet.

5. Learned counsel for the applicant has fairly submitted that the applicant will deposit sum of Rs.50,000/- in Police Welfare Fund, Nagpur within two weeks from today towards costs.

6. The alleged offence is a commercial private dispute, which cannot be termed as heinous or anti-social. Though charge sheet is filed, yet charges have not been framed. Having regard to the nature of transaction and the settlement arrived at in between the parties, we deem it appropriate to invoke inherent powers.

7. In view of above, application is allowed. We hereby quash and set aside the charge sheet arising out of Crime No.0188/2020 for the offences punishable under Sections 294, 384, 386, 465, 468, 471 and 506 r/w Section 34 of the Indian Penal Code and Sections 39, 43, 44, 45 and 46 of the Maharashtra Money-Lending (Regulation) Act, 2014 on account of settlement which is numbered as R.C.C. No.3868/2021 pending on the file of Judicial Magistrate First Class, Nagpur to the extent of applicant.

8. The application stands disposed of accordingly.

9. The matter be placed on 10/11/2023 for noting compliance.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]