



Judgment

911 apl 1169.23

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

CRIMINAL APPLICATION (APL) NO. 1169/2023

1. Ravindra Gulabrao Bhende,
Aged 64 yrs., Occ. Retired,
near Socialist Square, Telengpura,
Wardha, Dist. Wardha.
2. Dr. Dhananjay Baburaoji Kadam,
aged 51 yrs., Occ. Private, 204, Tuljai Apartment,
21/22, Renghe Layout, Talmale Estate,
Trimurty Nagar, Nagpur – 22.

... **APPLICANTS**

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Ramnagar, Dist. Wardha.
2. Shri Kishor Mathankar,
age Major, Occ. Agriculturist,
R/o. Near Vitthal Mandir, Hawaldarpura,
Wardha.

...**NON-APPLICANTS.**

Mr. S. Bhandarkar, Advocate for applicants.
Mr. S.M. Ghodeswar, APP for non-applicant No.1.
Mr. M. R. Puranik, Advocate non-applicant No.2.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.

DATE : 12.10.2023

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report ('FIR') vide Crime No. 46/2020 registered with Police Station Ramnagar, Dist. Wardha and Charge-sheet bearing No. 29/2021 for the offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code on account of settlement.

4. The informant Kishor Mathankar was the President of Educational Institution. He has lodged report with the Police alleging that applicant Nos. 1 and 2 along with co-accused have forged and fabricated letter head, seal, signature and used the forged documents, therefore, the offence.

5. Applicant No.1 was serving as a Principal whilst applicant No.2 was a professor. There was series of litigation in between them on different counts. They have settled all sort of differences before the Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (C) No(s). 17188/2019 by way of filing terms of settlement dated

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03.07.2023 which was accepted.

6. The order passed by the Hon'ble Supreme Court on 31.07.2023 indicates that on the basis of settlement, the Special Leave to Appeal was closed. In continuation of such settlement, the informant is not inclined to go on against the prosecution with both the applicants.

7. The informant is present before us who has been identified by his Advocate Mr. M.R. Puranik. Informant filed short reply stating about settlement and his no objection to quash the proceeding. On our query, non-applicant No.2 Informant has affirmed his stand about settlement and gave his no objection to quash the proceeding.

8. The allegation is principally of preparing forge letter head, use of seal and signature. It cannot be said that the offence has social impact nor we can term it as heinous one. Since, the matter is settled, there is no purpose in continuation of prosecution which would be exercised in futility.

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9. In view of above, we hereby quash and set aside First Information Report ('FIR') vide Crime No. 46/2020 registered with Police Station Ramgnagar, Dist. Wardha and Charge-sheet bearing No. 29/2021 for the offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code which is numbered as RCC No. 197/2021 pending on the file of Judicial Magistrate First Class, Wardha to the extent of applicant No. 1 Ravindra Gulabrao Bhende and applicant No.2 Dr. Dhananjay Baburaoji Kadam only.

10. Applications stands disposed of in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)