



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

CRIMINAL APPLICATION [APL] NO. 1294/2023.

1.Ajay Prabhakar Sawale,
Age 48 years, Occupation – Business,
resident of Ambedkar Nagar,
Malkapur, Tq. Malkapur,
District Buldhana.

2.Ashish Subhash Hatakar,
Age 41 years, Occupation -
Service, resident of Ekta Nagar
Malkapur, Tq. Malkapur,
District Buldhana.

... **Applicants.**

-Versus-

1.State of Maharashtra
through Police Station Officer,
Malkapur [City],
District Buldhana.

2.Ratan Jaganath Dabhalkar,
Aged about 45 years, Occupation
Business, resident of Ekta Nagar,
Malkapur, Tq. Malkapur,
District Buldhana.

... **Non-applicants.**

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Shri S.V. Sirpurkar, Advocate for Applicants.
Shri S.M. Ghodeswar, A.P.P. for Non-applicant No.1.
Shri D.I. Jain, Advocate for Non-applicant No.2.

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CORAM : VINAY JOSHI &
G.A. SANAP, JJ.

DATE : OCTOBER 07, 2023.

ORAL JUDGMENT (PER VINAY JOSHI, J) :

Heard. **Admit.**

By consent of the learned Counsel appearing for the respective parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the first information report bearing Crime No.400/2023 registered with Malkapur Police Station, Buldhana for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, on account of settlement.

3. It is informant's case that both applicants were of his acquaintance. They have assured him to arrange for a job for his brother in consideration of Rs.1,30,000/-. On assurances and promise, the informant has paid the money, however, later on realized that the assurance was false. The informant has repeatedly asked for refund, but, the amount was not returned, hence the report for the offence of cheating.

4. Both parties are residing in the same vicinity. With the aid and intervention of friends, they have settled the dispute. Applicants have

returned the entire amount of Rs. 1,30,000/- to the informant. In order to maintain cordial relations, the informant has also showed his willingness to settle the matter, as the amount is received by him. The informant has also filed an application to the police stating that he has received entire amount and he has no grievance against applicants. The informant has filed an affidavit stating about settlement and receipt of entire amount. Today the informant is personally present before us, who is identified by his Advocate. The informant has accepted about the settlement and receipt of the money, and about his no objection to quash the proceedings.

5. It reveals that only because of registration of the first information report and police have commenced investigation, applicants have refunded the amount. We have brought this aspect to the notice of applicants that police machinery has been rotated. At this juncture, the learned Counsel appearing on behalf of applicants submit that applicants are ready and willing to deposit an amount of Rs.25,000/- towards costs.

6. The alleged offence is not of heinous or antisocial nature. It was a private transaction in between the parties. By the time the informant has received his amount back, the offence does not have any social impact. Since the informant is not inclined to go on with the

prosecution, continuation of investigation would be an exercise in futility. In view of that, we deem it appropriate to invoke our jurisdiction and pass the following order.

ORDER

- (a) Criminal Application is allowed and disposed of.
- (b) The first information report bearing Crime No.400/2023 registered with Malkapur Police Station, Buldhana for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code is hereby quashed and set aside, on condition that applicants deposits an amount of Rs.25,000/- towards costs in the account of M/s. High Court Gazetted Officers Association, Nagpur, (SB. General) Account No.129712010000501, IFSC Code UBIN0812978 with the Union Bank of India, High Court Branch, Civil Lines, Nagpur, by 20.10.2023.
- (c) List the matter for reporting compliance on 25.10.2023.

(G.A. SANAP, J.)

(VINAY JOSHI, J.)