



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

CRIMINAL APPLICATION NO.1471 OF 2023 AND

CRIMINAL APPLICATION NO. 1389 OF 2023

CRIMINAL APPLICATION (APL) NO. 1471 OF 2023

1. Satvansingh s/o Harbansingh Jambe,
aged about 53 years, Occ. Business, R/o
Kamptee Colliery No.4, Dafai Jhula at
Tekdi, Tq. Parshioni & Dist. Nagpur –
441 404 (Son of Complainant)
2. Dilbagsingh s/o Satvansingh Jambe,
aged about 23 years, Occ.: Business, R/o
Kamptee Colliery No. 4, Dafai Jhula at
Tekdi, Tq. Parshioni & Dist. Nagpur 441
404
3. Govindsingh s/o Harbansingh Jambe,
aged about 45 years, Occ. : Labour, R/o
Kamptee Colliery No.6, Infront Indian
Bank at Tekdi, Tq. Parshioni, District
Nagpur – 441 404 (Son of complainant)
4. Chandansingh s/o Tarasomgj Jambe,
Aged about 41 years, Occ.: Labour, r/o
M-24, 110, New Tekadi Colony, Tekadi
Tq. Parshioni & Dist. Nagpur – 441 404
(Cousin Nephew of Complainant)

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police

Station Officer, Police Station,
Kanhan, Tq. Nagpur Gramin &
District Nagpur

2. Harbansingh s/o Harramsingh
Jambe, Aged about 83 years, Occ. :
Labour, R/o Kamptee Colliery at
Tekdi, Tq. Parshioni & District
Nagpur- 441 404

... NON-APPLICANTS.

AND

CRIMINAL APPLICATION (APL) NO. 1389 OF 2023

Roshan s/o Padmakar Tayde, aged about
39 years, Occ.: Business, R/o Water
Tank, Inder Colliery No.6, Tq. Parshivni
& Dist. Nagpur – 441 404 (accused
No.5)

... APPLICANT

VERSUS

1. State of Maharashtra, Through Police
Station Officer, Police Station,
Kanhan, Tq. Nagpur Gramin &
District Nagpur
2. Harbansingh s/o Harramsingh
Jambe, Aged about 83 years, Occ. :
Labour, R/o Kamptee Colliery at
Tekdi, Tq. Parshioni & District
Nagpur- 441 404 (Complainant)

Criminal Application No.1471/2023.

Shri S.R. Jaiswal, Advocate for the applicants.

Shri Badar, Addl.PP for the State.

Shri V.R. Thote, Advocate for non-applicant no.2.

Criminal Application No.1389/2023.

Shri P.R. Agrawal, Advocate for the applicant.

Shri Doifode, Addl.P.P. for the State.

Shri V.R. Thote, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.

DATED : 12.12.2023.

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

Heard. **ADMIT.**

2. Both the applications are arising out of crime No.457 of 2023 registered with the Kanhan Police Station, Nagpur Rural for the offence punishable under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code, therefore for the sake of convenience, they are taken together for disposal by consent of learned Counsel appearing for the parties. Initially, the applications were filed for quashing on merits however the matter is settled hence quashing is sought on account of settlement.

3. The informant is the father whilst applicant nos.1 and 3 (in Criminal Application No.1471/2023) are his sons and applicant no.2 is his grandson. Likewise, applicant no.4 is the nephew of the informant whilst sole applicant of Criminal Application No.1389/2023 is a

stranger purchaser.

4. It is the prosecution case that the informant father has purchased a piece of land in the year 2000 from his own funds. However, he has purchased the land in the name of his two sons i.e. applicant no.1 Satvansingh Jambe and applicant no.3 Govindsingh Jambe. The land was purchased in the name of two sons in trust and with a hope that both sons would look-after him during old age. It is alleged that both sons have partitioned the land and then applicant no.3 Govindsingh Jambe has also eliminated his portion in favour of applicant Roshan Tayde in the year 2016. The entire land was acquired for a project undertaken by the Coal Bearing Area (Acquisition and Development) Act 1956. The Acquiring Body has paid compensation to the applicant Satvansingh as well as employment was offered. It is the informant's case that behind his back his both sons have fraudulently mutated their name and enjoyed the benefits and thus, the offence. Moreover, it is submitted that the applicants have forged the receipt showing that the compensation amount has been received by the informant.

5. It is a transaction between father and his two sons. During the pendency, the parties have settled the dispute as it was initially the

family affair. The informant has filed an affidavit that applicant nos. 1, 2 and 4 have handed over the cheque of Rs.5,00,000/- whilst applicant no.3 has handed over the bankers cheque of Rs.1,50,000/- towards the settlement. On the basis of such payment, the informant has settled the matter and by filing an affidavit gave his no objection to quash the proceedings. The informant is present before the Court, who is identified by his Advocate Shri V.R. Thote. The informant is accompanied by his another son namely Charanjit Singh. The informant agreed about the settlement affidavits filed in the proceedings and stated about his no objection to quash the prosecution.

6. Today, both cheques were handed over to the informant. The applicant nos.1 to 4 are present before the Court who have assured to honour both cheques. It reveals that there was internal family dispute out of which the report has been lodged. It is to be noted that initially the Police have not taken cognizance but by virtue of order passed by the Magistrate in terms of Section 156(3) of the Code of Criminal Procedure, the crime has been registered.

7. When it is brought to the notice that due to registration of FIR, the Police machinery has been rotated, the applicants of Criminal Application No.1471/2023 made a statement that they would deposit

sum of Rs.10,000/- towards costs.

8. Now, the parties have settled the dispute by making monetary arrangement. The entire dispute is of private in nature which has no social impact. In the circumstance, continuation of prosecution amounts to abuse of the process of Court. In view of that, both applications are allowed. We hereby quash and set aside the First Information Report vide Crime No.457 of 2023 registered with the Kanhan Police Station, Nagpur Rural for the offence punishable under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code.

9. The applicants of Criminal Application No.1471/2023 shall deposit Rs.10,000/- in the High Court Bar Association, Nagpur on or before 20.12.2023.

10. Place the matter on 21.12.2023 for noting the compliance.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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