



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

CRIMINAL APPLICATION (APL) NO.55/2020

Vivek Ramrao Paraskar,
aged about 58 Yrs., Occ. Business,
R/o Ramlata Bunglow, Toshniwal
Layout, Murtizapur Road, Akola,
Taluka and District Akola.

... Applicant

- Versus -

1. Rahul Sureshkumar Santani,
aged about 28 Yrs., Occ. Business,
R/o Sindhi Camp, Akola, Taluka
and District Akola.

2. The State of Maharashtra,
through the Police Station Officer,
Police Station Civil Lines, Akola,
Taluka and District Akola,
District Akola.

... Non-applicants

Mr. J.B. Gandhi, Counsel for the Applicant.
Mr. Rohan Chabra, Counsel for Non-applicant No.1.
Mr. A.B. Badar, A.P.P. for Non-applicant No.2.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 11.1.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of the learned counsel for the parties.

2. This is an application seeking to quash the chargesheet No.76/2019 dated 25.2.2019 (Regular Criminal Case No.181/2019) arising out of F.I.R. No.399/2018 registered by Police Station Civil Lines, Akola for the offence punishable under Sections 420, 464, 467, 468 and 471 of Indian Penal Code on account of mutual settlement.

3. The informant was desiring to purchase a piece of land. He has contacted applicant through some Mediators. Applicant pretended to be owner of plot and agreed to sell in consideration of price determined. The informant showed his willingness to purchase the land and then on 1.1.2016 applicant has executed an agreement to sell as well as received partial consideration of sum of Rs.15,50,000/- in cash. It was decided that sale transaction is to be completed within three months, however it did not happen. Since the applicant avoided to execute the sale the informant become vigilant and on enquiry learnt that the applicant is no way concerned with said piece of

land which is owned by third party. On the basis of such allegation crime has been registered. The police have carried investigation and on completion filed final report.

4. Both parties are resident of Akola. With the intervention of middlemen they have settled the dispute. The terms of settlement have been incorporated in compromise deed dated 2.9.2018 duly executed and signed by both the parties. The applicant has refunded agreed sum of Rs.12,51,000/- which the informant received. It was also decided that the informant would cooperate to withdraw the present prosecution and a complaint filed in terms of Section 138 of the Negotiable Instruments Act. No sooner the compromise was entered the informant himself within three days went to the police stating about settlement and his non-inclination to go on with the prosecution. The informant has also tendered copy of settlement deed. Since the offence was of a cognizable nature the police have continued the investigation which culminated into filing of chargesheet.

5. Today the informant is present before us who is identified by his Counsel. The informant has filed reply stating that the matter is settled by way of settlement deed dated 2.9.2018. It is also stated that since the matter is settled he has no objection to quash the proceedings. On our query informant has accepted the settlement, receipt of agreed sum of Rs.12,51,000/- and his non-inclination to go on with the prosecution.

6. Needless to say that since the informant has resorted to the police machinery the matter has been settled. The police have already investigated and filed the chargesheet. At this juncture, learned Counsel for applicant would submit that the applicant would pay sum of Rs.25,000/- (Rs. Twenty Five Thousand Only) towards costs.

7. We have gone through the entire police papers. It reveals that it was a private transaction between two parties particularly within couple of days from registration of F.I.R. the

matter has been settled. The applicant has also returned the money as per settlement. The offence cannot be termed as heinous or antisocial. Looking to all above circumstances, the ends of justice would be secured by quashing the proceedings.

8. In view of above, application is allowed. We hereby quash and set aside the Criminal Case namely R.C.C. No.181/2019 pending on the file of Chief Judicial Magistrate, Akola arising out of Crime No.399/2018 registered by Police Station Civil Lines, Akola for the offence punishable under Sections 420, 464, 467, 468 and 471 of the Indian Penal Code.

9. The applicant shall deposit sum of Rs.25,000/- (Rs. Twenty Five Thousand Only) within two weeks with the High Court Bar Association, Nagpur.

10. Matter be placed for noting compliance on 25.1.2024.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)