



Judgment

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

CRIMINAL APPLICATION [APL] NO. 122/2024.

Prashant s/o Dhyaneshwar Landge,
Aged about 30 years,
Occupation – Business,
resident of Timurti Nagar, Nagpur.

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APPLICANT.

VERSUS

1.The State of Maharashtra,
Through the Police Station Officer,
Pratap Nagar Police Station,
Nagpur.

2.Nitish s/o Sunil Gadge,
Aged about 33 years,Occupation
Service, resident of Plot No.257,
Alankar, Near VBA Hall, Behind
LAD e, Shankar Nagar, Nagpur.

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NON-APPLICANTS.

Mr. N.S. Khandewale, Advocate for the Applicant.
Mr. S.A. Ashirgade, A.P.P. for Non-applicant No.1.
Ms M.M. Kadu, Advocate for Non-applicant No.2.

CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.

DATE : APRIL 26, 2024.

Rgd.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. On oral request, the applicant is permitted to correct surname of the applicant. Necessary amendment be carried out forthwith.

3. Admit.

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

4. This is an application seeking to quash the criminal prosecution bearing R.C.C.No. 298/2024, arising out of first information report bearing Crime No.134/2023 registered with Ranapratap Nagar Police Station, Nagpur for the offence punishable under Sections 406 and 420 of the Indian Penal Code, on account of mutual settlement.

5. The informant has entrusted his four wheeler to the applicant for sale. In turn the applicant sold the said vehicle in the

Rgd.

month of March, 2022 for Rs.3.80 lakhs, however, the money was not paid to the informant, hence, the offence of criminal breach of trust and cheating. Police have investigated into the matter and filed charge sheet. It is informed that yet charges are not framed.

6. The parties have settled the dispute out of Court. The informant claims that he has received the entire sale price of Rs.3.80 lakhs in installments and now he has no grievance. He has filed affidavit in that regard. The informant is present before the Court and is identified by his Advocate Ms Kadu.

7. It was a private transaction which has no social impact. Since there was delay in making payment of the sold vehicle, the aforesaid crime has been registered. However, due to registration of crime the police is required to file charge sheet. The applicant has expressed his willingness to pay an amount of Rs.10,000/- for riding the police machinery.

8. In the circumstances, continuation of prosecution would amount to an abuse of the process of law. The criminal application is

Rgd.

required to be allowed, hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The criminal prosecution bearing R.C.C.No. 298/2024, arising out of first information report bearing Crime No.134/2023 registered with Ranapratap Nagar Police Station, Nagpur for the offence punishable under Sections 406 and 420 of the Indian Penal Code, is hereby quashed and set aside.
- (iii) The applicant to deposit an amount of Rs.10,000/- with the High Court Gazetted Officers Association, Nagpur by 13.05.2024.
- (iv) List the matter for reporting compliance on 11.06.2024.

JUDGE

JUDGE