



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

CRIMINAL APPLICATION NO.227 OF 2023

Avinash Balkrushna Bansod

..vs..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.N. Ali, Advocate for the applicant.

Mrs. Deshmukh, Additional Public Prosecutor for the State.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 01/10/2024.

Though the informant has been served, he is absent.

2. Heard.

3. This is an application seeking to quash the First Information Report bearing Crime No.1097 of 2022 registered with the Awdhootwadi Police Station, District Yavatmal for the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code.

4. Learned Counsel for the applicant would initially submit that the informant has settled the dispute with principal accused i.e. Dnyaneshwar Chate. On the basis of said settlement, the criminal prosecution against the Dnyaneshwar has been quashed by this Court in Criminal Application (APL) No.253/2023 vide judgment and order dated 20.09.2023. He would submit that since the matter has already been settled, there is no propriety in continuing the prosecution against the present applicant. Learned Counsel for the applicant also took us through

the contents of FIR to impress that the principal allegations are against co-accused Dnyaneshwar of receipt of huge sum. It is pointed out that the informant has only handed over Rs.1 lakh to the applicant, which has already been transferred. In this regard, he has produced bank statement to show that the amount has been paid to the principal accused. It is apparent that entire allegations are against the principal accused Dnyaneshwar. It appears that the role of the present applicant is to introduce principal accused, who has received the huge amount. We have called the record of Criminal Application No.253/2023 and gone through the consent affidavit filed by the informant in said application. Particularly, paragraph 5 of the said affidavit indicates that the informant has admitted that he has received entire amount and he has no grievance against the accused mentioned in the above FIR. It is evident that the matter has been settled with all accused in entirety.

5. It was a commercial dispute, which has been settled between the parties. Already the informant has settled and the proceedings as against the principal accused has been quashed. In the circumstances, we deem it appropriate to quash the criminal prosecution not only against the applicant but rest all the accused, who are also falling in the same line.

6. In view of the above, the application is allowed. We hereby quash and set aside the First Information Report bearing Crime No.1097 of 2022 registered with the Awdhootwadi Police Station, District Yavatmal for

the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code as regards to all the accused including the present applicant.

7. The application stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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