



Judgment

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

CRIMINAL APPLICATION (APL) NO. 153/2024

1. Kishor s/o Yadavrao Ruikar,
Aged about 49 yrs., Occ. Agri./Business,
R/o. Waghapur Naka, Bangar Nagar,
Yavatmal, Tq. & Dist. Yavatmal
2. Ghanshyam s/o Yadavrao Ruikar,
Aged about 51 yrs., Occ. Agri./Business,
R/o. Peshve Plot, Yavatmal,
Tq. & Dist. Yavatmal.

... **APPLICANTS**

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station Dattapur,
Tq. Dhamangaon Railway,
Dist. Amravati.
2. Shubhash Tukaram Ruikar,
Aged about 63 yrs., Occ. Business,
R/o. Pimapalgaon (Ruikar), Tq. Kalamb,
Dist. Yavatmal.

... **NON-APPLICANTS**

Mr. P.R. Agrawal, Advocate for applicants.
Mrs. S.S. Jachak, APP for non-applicant No.1.
Mr. M.I. Dhattrak, Advocate for non-applicant No.2.

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

DATE : 04.10.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. By this application, the applicants are seeking to quash First Information Report (“FIR”) vide Crime No. 494/2023 registered with Police Station Dattapur, Tq. Dhamangaon Railway, Dist. Amravati for the offence punishable under Sections 199, 406, 409, 420 read with Section 34 of the Indian Penal Code, 1860 on account of settlement.

4. The parties are related to each other. The informant alleges that the applicants have prepared forged and fabricated power of attorney, on the basis of which sold the joint property. The third party purchaser has filed civil suit for injunction against co-accused, applicants and informant. In the said suit, the dispute has been settled. In view of said settlement, the informant has also settled the *inter se* dispute. The informant filed reply-affidavit stating about the

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entire history and further added that due to settlement, he does not wish to continue the criminal prosecution.

5. The informant has appeared before us who has been identified by his counsel Mr. M.I. Dhatriak. The informant on our query, stated that the matter is settled. He does not wish to go on with the prosecution. The informant stated that he has received the agreed sum and thus, in view of settlement, he does not wish to go on with the prosecution.

6. The dispute arose out of private transaction between two parties which cannot be termed as heinous or anti-social in nature. The applicants have agreed to pay Rs. 25,000/- jointly towards costs for rotating State Machinery.

7. Having regard to the nature of litigation and settlement arrived in between the parties, continuation of prosecution would be futile exercise. Moreover, it is sheer abuse of the process of the Court. In the circumstances, application is allowed. We hereby quash and set aside FIR vide Crime No. 494/2023 registered with Police Station

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Dattapur, Tq. Dhamangaon Railway, Dist. Amravati for the offence punishable under Sections 199, 406, 409, 420 read with Section 34 of the Indian Penal Code, 1860.

8. Application stands disposed of in above terms.

9. The applicants shall deposit sum of Rs. 25,000/- towards costs to the Vidarbha Lady Lawyer Association High Court Bench at Nagpur within two weeks from today.

10. Stand over to 18.10.2024.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)