



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

CRIMINAL APPLICATION (APL) NO.385/2024

1. Sheikh Ikram Sheikh Iqbal,
aged 40, Occ. Business,
R/o New Colony, Flat No.F-1,
Nirvera Apartment, Nagpur.
2. Sheikh Arif Sheikh Iqbal,
aged 38, Occ. Business,
R/o New Colony, Flat No.F-1,
Nirvera Apartment, Nagpur.
3. Bhushan Nandkishore Charde,
aged 39, Occ. Business,
R/o Plot No.A-22, Darshan Colony,
Near KDK College, Nandanvan,
Nagpur.
4. Shahid Ahmed Jamil Ahmed Khan,
aged 39, Occ. Business,
R/o Plot No.119, Jafar Nagar,
Nagpur.

... Applicants

- Versus -

1. State of Maharashtra,
through Police Station Jaripataka,
Dist. Nagpur.
2. Dilip Shaligram Babariya,
aged 60 Yrs., Occ. Business,
R/o Plot No.283, Kiran Villa,
Gond Mohalla, Indora, Nagpur.

... Non-applicants

Mr. M.N. Ali, Counsel for the Applicants.
Mr. S.V. Narale, A.P.P. for Non-applicant No.1.
Ms. Gulafshan Ansari, Counsel for Non-applicant No.2.

CORAM: VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 19.3.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

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

Heard finally by consent of learned counsel for the parties.

2. This is an application seeking to quash chargesheet arising out of Crime No.586/2016 registered by non-applicant No.1 for the offence punishable under Sections 420, 465, 467, 468, 471 and 406 read with Section 34 of Indian Penal Code on account of settlement.

3. Informant Dilip alleges that his real brother Pravin (co-accused) has prepared forged and fabricated partition

deed. On the strength of said deed, one of the family property has been sold in favour of present applicants.

4. The police have investigated the matter and filed chargesheet. It is informed that yet the trial Court has not framed charge. In the meantime, co-accused Pravin has filed Special Civil Suit No.847/2016 against other family members including informant Dilip. In said suit Pravin sought declaration about genuineness of partition deed and consequential reliefs. In said suit the matter has been settled by way of compromise. In substance the property under dispute was retained in the share of Pravin who has sold the same to present applicants. Since dispute has been amicably settled informant do not wish to prosecute against the applicants who are stranger purchasers.

5. The informant has filed affidavit-cum-reply stating about settlement and his no objection. The informant is present before us who is identified by his Counsel. On our query the

informant has stated about settlement and his no objection to quash the proceedings against the applicants.

6. The offence essentially arose out of family feud which has been settled in between the family members. The applicants are stranger purchasers and thus due to settlement there is no purpose in continuing prosecution against them.

7. In view of the above, application is allowed.

We hereby quash and set aside the chargesheet arising out of Crime No.586/2016 registered by non-applicant No.1 for the offence punishable under Sections 420, 465, 467, 468, 471 and 406 read with Section 34 of Indian Penal Code against applicants namely Sheikh Ikram Sheikh Iqbal, Sheikh Arif Sheikh Iqbal, Bhushan Nandkishore Charde and Shahid Ahmed Jamil Ahmed Khan.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

Tambaskar.