



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

CRIMINAL APPLICATION (APL) NO.566/2021

1. Paras S/o Subhashchandra Jain,
aged about 39 Yrs., Occ. Business,
R/o House No.18, HB Town, Pardi
Square, Bhandara Road, Nagpur.

2. Khemraj Jaisingh Parate,
aged about 41 Yrs., Occ. Service,
R/o 301, Umiya Society, Besides
Panjab National Bank, Chapru
Nagar, Nagpur.

... Applicants

- Versus -

1. The State of Maharashtra,
through the Investigating Officer,
Economic Offences Wing, Crime
Branch, Nagpur and Police Station
Officer, Police Station Hingna,
Nagpur, Distt. Nagpur.

2. Ghanshyam Shankarrao Astankar,
aged 75 Yrs., Occ. Agriculturist,
R/o Village Sumthana, Tah. and
Distt. Nagpur.

... Non-applicants

Mr. Akash Gupta, Advocate for the applicants.
Ms. S.S. Jachak, A.P.P. for non-applicant No.1/State.
Mr. P.D. Randive, Advocate for non-applicant No.2.

CORAM: VINAY JOSHI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 30.9.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard Mr. Akash Gupta, learned Advocate for the applicants, Ms. S.S. Jachak, learned A.P.P. for non-applicant No.1/State and Mr. P.D. Randive, learned Advocate for non-applicant No.2. This is an application seeking to quash F.I.R. in Crime No.0244/2021 registered by non-applicant No.1 for the offence punishable under Sections 420, 406 and 120-B of Indian Penal Code on account of settlement.

2. It is informant's case that he has agreed to sell a piece of land in consideration of Rs.1.4 Crores to present applicants. Though the sale deed was executed balance consideration of Rs.71,00,000/- has not been paid, therefore, the offence of conspiracy and cheating. It is informed that the chargesheet has not been filed.

3. The informant has also filed a Regular Civil Suit No.416/2020 seeking cancellation of sale deed. In said proceedings the parties have settled the dispute by entering into settlement. The terms of compromise have also been filed in civil

suit. It was one of the term that the informant would withdraw the present prosecution.

4. Today the informant is present who is identified by his Advocate. The informant old man is accompanied by his son namely Moreswar. Informant has filed a reply stating about the settlement and his no objection. We have ascertained the contents of reply from the informant to which he agreed.

6. It was a private transaction between the parties pertaining to sell of land. The offence cannot be termed as heinous or antisocial. In the circumstances, there is no difficulty in exercising our inherent powers.

7. In view of above, application is allowed. We hereby quash and set aside F.I.R. in Crime No.0244/2021 registered by non-applicant No.1 for the offence punishable under Sections 420, 406 and 120-B of Indian Penal Code on account of settlement.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

Tambaskar.