



Judgment

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

CRIMINAL APPLICATION (APL) NO. 601/2024

1. Smt. Abha w/o Harshwardhan Verma,
Aged about 52 yrs.,
2. Ku. Reeth d/o Harshwardhan Verma,
Aged about 23 yrs., Occ. Student,
3. Harshwardhan Verma,
Aged about 53 yrs., Occ. Nil,
All 1 to 3 R/o. Plot No.78, Raghukul
Smarpan Apartment, Flat No. 102,
Om Sai Nagar, Shivaji Nagar,
Nagpur 440010.
4. Purva d/o Dinesh Gupta,
Aged about 27 yrs.,
R/o. Dhanashree Apartment,
Ranapratap Nagar, Nagpur.

... **APPLICANTS**

VERSUS

1. State of Maharashtra,
through P.S.O., P.S. Sadar,
Nagpur.
2. Smt. Neelam wd/o Balraj Kumar,
Aged 74 yrs., Occ. Household,
R/o. 343 Kumar Kutir, New Colony
Road, Opposite Patel Bungalow,
Nagpur and at 1D-1KAPs Regency,
Fago Layout, near Ramdev Baba
Temple, Katol Road, Gittikhadan,
Nagpur.

... **NON-APPLICANTS**

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Mr. Ghanshyam Dani, Advocate for applicants.
Mr. S.A. Ashirgade, Additional Public Prosecutor (APP) for non-
applicant No.1.
Mr. S.M. Prasad, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.**
DATE : 29.04.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report ("FIR") vide crime No.66/2023 registered with Police Station Sadar, Nagpur for the offence punishable under Sections 406, 420, 468, 471 read with Section 34 of the Indian Penal Code on account of settlement.

4. The applicant No.1 was a tenant of shop premises which was owned by non-applicant No.2 informant landlord. There was a tenancy dispute for which a suit for eviction in the Court of Small Causes was filed. The informant alleges that the applicants have prepared forged and fabricated landlord's consent letter for obtaining GST number as well as consent for issuance of shop and

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establishment licence and therefore, the offence of forgery and cheating.

5. The parties have settled the dispute by way of entering into compromise decree in pending suit before the Small Causes Court, Nagpur. The possession of tenanted premises has been returned to the landlord. It was one of the terms of settlement that the tenants i.e. applicants would move for cancellation of GST number as well as shop and establishment licence.

6. The compromise decree is produced on record. The informant has filed an affidavit-reply stating about the settlement and her no objection to quash the criminal proceeding. The informant lady along with her son is present before us who have been identified by her Advocate Mr. Prasad. She stated about her no objection to quash the criminal proceeding. The applicant No.1 undertakes to get cancelled GST number and shop and establishment licence by moving to the appropriate authority.

7. It was a dispute between landlord and tenant. The matter has been amicably settled. The offence cannot be termed as heinous or anti-social. Since the parties have settled the dispute,

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continuation of prosecution amounts to abuse of the process of the Court.

8. The applicants have expressed their desire to deposit Rs. 20,000/- towards cost as for rotating Police Machinery.

9. In view of above, application stands allowed. We hereby quash and set aside FIR vide crime No.66/2023 registered with Police Station Sadar, Nagpur for the offence punishable under Sections 406, 420, 468, 471 read with Section 34 of the Indian Penal Code on account of settlement.

10. Application stands disposed of in above terms.

11. The applicants shall deposit sum of Rs. 20,000/- to the High Court Bar Association, Nagpur on or before 07.05.2024.

12. Stand over to 08.05.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)