



Judgment

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

CRIMINAL APPLICATION (APL) NO. 651/2024

WITH

CRIMINAL APPLICATION (APL) NO. 1124/2023

CRIMINAL APPLICATION (APL) NO. 651/2024

Mukesh s/o Mohanlal Chawla,
Aged about 44 yrs., R/o. Wanda
Zhongxing Mingzai, Building No.17,
Room No.1301, Keqiao, Shaoxing,
Zhejiang, China – 3102030 & also
Plot No. 557B, Anand Sagar,Apt.
New Colony, Katol Road, Nagpur.

... **APPLICANT**

VERSUS

1. State of Maharashtra,
through Awdhutwadi Police Station,
Yavatmal, Maharashtra 445001.
2. Mr. Sumit S/o. Pradeep Lakhani,
Aged about 24 yrs., R/o. Plot No.37,
Shivaji Nagar, Yavatmal-445002.

...**NON-APPLICANTS**

WITH

CRIMINAL APPLICATION (APL) NO. 1124/2023

Ravi S/o. Mohanlal Chawla,
Aged about 44 yrs., R/o. 557/B
New Colony, Near Suraj Eye
Institute, Chhaoni,
Nagpur - 440001

... APPLICANT

VERSUS

1. State of Maharashtra,
through Awdhutwadi Police Station,
Yavatmal, Maharashtra 445001.
2. Mr. Sumit S/o. Pradeep Lakhani,
Aged about 24 yrs., R/o. Plot No.37,
Shivaji Nagar, Yavatmal-445002.

...NON-APPLICANTS

Mr. S. Dewani, Advocate for applicant.
Mr. S.V. Narale, APP for non-applicant No.1.
Mr. R.M. Tahaliyani, Advocate for non-applicant No.2

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

DATE : 18.04.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. Admit.

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3. Both applications are similarly for quashing of First Information Report ('FIR') vide Crime No. 956/2023 registered with Police Station Awdhutwadi, Yavatmal for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code on account of settlement.

4. Non-applicant No.2 informant has business transactions with both applicants. Out of business relations, applicants have purchased the cotton yarn worth Rs. 99,80,655/-. However, they have paid partially Rs. 17,44,116/- despite repeated demand, balance amount of Rs. 82,36,539/- has not been paid and thus, offences of breach of trust and cheating were registered.

5. Considering business relations, the parties have amicably settled the dispute out of the Court. They have entered into memorandum of understanding executed on 16.04.2024. It was agreed that the entire transaction will be settled on payment of 60,000/- (USD). It has been recited that already sum 30,000/- (USD) has been paid to the informant and balance sum 30,000/- (USD) would be paid on or before 31.05.2024.

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6. The informant is present before us who has filed pursis along with copy of memorandum of understanding. The informant is identified by his Advocate Mr. Tahaliyani. The informant has agreed about settlement and made a statement that he has also received reaming sum 30,000/- (USD) today itself by bank transaction and now nothing is due. The informant gave his no objection to quash both proceedings.

7. It is apparent that out of business transaction, the mater reached to the Police. The transaction is purely of commercial nature which cannot be termed as heinous or antisocial. For moving police machinery, the applicants undertake to deposit sum of Rs. 20,000/- in each application towards costs. Considering the nature of accusation and settlement, continuation of prosecution amounts to the abuse of the process of Court.

8. In view of above, both applications are allowed. We hereby quash and set aside FIR vide Crime No. 956/2023 registered with Police Station Awdhutwadi, Yavatmal for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal

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Code against the present applicants.

9. Applications stand disposed of in above terms.

10. Both applicants shall deposit sum of Rs. 20,000/- in each application towards cost to High Court Bar Association, Nagpur within two weeks from today.

11. Stand over to 02.05.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)