



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

CRIMINAL APPLICATION (APL) NO. 1135 OF 2023

Hemant S/o Harseet Bain
Age – 33 years, Occ. Labour,
R/o. Village Gauripur, Chamorshi,
District – Gadchiroli

}

... Applicant

Versus

1. State of Maharashtra,
Through PSO Gadchiroli,
Dist. Gadchiroli.

2. Diwakar Surabhan Kannake
Aged – 45 years, Occ. Agriculturist,
R/o. Bhagwanpur, Tahsil – Mul,
District – Chandrapur.

}

... Non-applicants

Mr. A.M. Jaltare, Advocate for applicant.

Mrs. S.V. Kolhe, APP for non-applicant No.1.

Mr. Shriram Chopde, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI, AND
SMT. VRUSHALI V. JOSHI, JJ.
DATE : 27.02.2024

ORAL JUDGMENT: (PER: Vinay Joshi,J)

Heard finally by consent of both the learned counsel
for the parties.

(2) Admit.

(3) This is an application seeking to quash charge-sheet arising out of Crime No.387/2023 registered with Police Station Gadchiroli, District – Gadchiroli for the offence punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code on account of settlement. The applicant's learned counsel would submit that the trial Court has not framed charges.

(4) It is the informant's case that his father owns an agricultural land which was acquired. The informant came to know that the applicant who was not related to them had prepared forged and fabricated documents of the adoption deed dated 13.07.2018 showing that his father had adopted him. On that basis, he has lodged a report with the police. The investigation was carried and charge-sheet has been filed.

(5) The matter has been amicably settled between the parties. The applicant's learned counsel also took us through police papers showing statements wherein the adoption was admitted by family members. Besides that the applicant had filed R.C.S. No.264/2023, in the Court of Civil Judge Senior Division, Chandrapur, seeking a declaration about the disputed adoption deed. The copy of

the judgment and decree has been produced which shows that the informant along with other legal heirs of his father have admitted the suit which resulted into passing a decree on admission in terms of Order 12 Rule 6 of the Code of Civil Procedure. The Civil Court has issued a declaratory decree stating that the disputed adoption deed dated 13.07.2018 is legal and valid. The applicant has also produced a compromise cum admission memo filed by the informant and others in the Civil Court. On the basis of this, the suit was disposed.

(6) Today, the informant Diwakar Surabhan Kannake is present before us. He has filed a settlement deed stating that, the matter is settled and he do not wish to prosecute the criminal case. The informant is identified by his Advocate. He has agreed to the settlement and has no objection to quash the proceedings. Besides that, there is a decree of the Civil Court upholding the legality of the same adoption deed.

(7) In view of the above continuation of prosecution amounts to abuse of process of the Court. However, as the police machinery was rotated, the applicant showed his willingness to pay cost of Rs.25,000/-.

(8) In view of above, the application is allowed. We hereby quash and set aside the charge-sheet (RCC No.133/2023) arising out of Crime No.387/2023 registered with Police Station Gadchiroli, District – Gadchiroli for the offence punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code.

(9) The applicant shall deposit sum of Rs.25,000/- with the High Court Bar Association, Nagpur, within two weeks from today.

(10) Stand over to **14.03.2024** for noting compliance.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

Prity