



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

CRIMINAL APPLICATION NO. 1152 OF 2024

Sjilanand Sukhdeorao Swai and ors.

..VS..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Nazir Qureshi, Advocate for the applicants.
Shri A.A. Madiwale, Addl.P.P. for the State.
Shri P.R. Agrawal, Advocate for non-applicant no.2.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 29/08/2024.

Heard.

2. This is an application seeking to quash the First Information Report No.330 of 2024 registered with the Paratwada Police Station, Amravati Rural for the offence punishable under Sections 419, 420 read with Section 34 of the Indian Penal Code, on account of settlement.

3. It is the prosecution case that the applicants, who are in-charge of one Private Limited Company allured the informant for investing money to lay a production plant. For one or the other pretext, the applicants have taken sum of Rs.20 lakhs from the informant but later on, the transaction was turned to be fake and therefore, the report.

4. During the pendency of investigation, the parties have mutually settled the differences. The applicants have returned the entire sum of Rs.20 lakhs to the informant, which he has appeared and accepted before the Court on last date i.e. on 22.08.2024. The informant

has also gave his no objection to quash the proceedings. He has filed a reply-cum-affidavit to that effect.

5. Learned Counsel for the applicants has made a statement that the applicants would deposit sum of Rs.20,000/- towards costs for rotating the police machinery. We have already recorded the said statement on last date in the presence of the applicants. It reveals that the dispute revolves around laying some production plant however it was not materialized. The sum which the applicants have received under the guise of setting the production unit, has already been refunded.

6. The alleged offences cannot be termed as heinous or anti-social. In the above peculiar facts, we are inclined to exercise our inherent powers by allowing the criminal application. Hence, the criminal application is allowed. We hereby quash and set aside the First Information Report No.330 of 2024 registered with the Paratwada Police Station, Amravati Rural for the offence punishable under Sections 419, 420 read with Section 34 of the Indian Penal Code against the present applicants.

7. The applicants shall deposit sum of Rs.20,000/- with the High Court Gazetted Officers Association, Nagpur within two weeks from today.

8. Place the matter on 13.09.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)