



Judgment

934 apl 1470.23

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

**CRIMINAL APPLICATION (APL) NO. 1470/2023**

Vilas s/o Netaji Zodage,  
Age 33 yrs., Occ. Private,  
R/o. Ambedkar Wadi Poria,  
Gadhchroli-442605

... **APPLICANT**

**VERSUS**

1. State of Maharashtra,  
through PSO Hudkeshwar,  
Tah. & Dist. Nagpur.
2. Smt. Vaishali Kodhe,  
R/o. Plot No.95-B, Vyanktesh  
City-2, Besa, Nagpur.

...**NON-APPLICANTS**

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Mr. I. Haque, Advocate for applicant.  
Mr. S.A. Ashirgade, APP for non-applicant No.1.  
Mr. S.S. Firdous, Advocate for non-applicant No.2.  
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**CORAM : VINAY JOSHI AND  
MRS. VRUSHALI V. JOSHI, JJ.**

**DATE : 06.03.2024.**

**ORAL JUDGMENT (PER VINAY JOSHI, J.) :**

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information

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Report ('FIR') vide Crime No.211/2022 registered by Police Station Hudkeshwar, Tah. and Dist. Nagpur for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code on account of settlement.

4. It is informant's case that she got acquainted with the applicant in the month of November 2020. The applicant induced her for making investment to double the amount. Believing on the applicant, the informant went to Delhi and has invested sum of Rs. 4,00,000/- in the scheme to purchase a plot. Latter on, the applicant and other co-accused time to time instigated her to invest more money for getting lucrative benefits. It is informant's case that she has invested total sum of Rs. 28,03,858/-, but there is no return, therefore the complaint of breach of trust and cheating. On the basis of report, the Police registered crime and investigation is practically complete.

5. In the meantime, the matter has been amicably settled in between informant along with applicant and co-accused. The informant lady has filed an affidavit stating that the matter is settled

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out of the Court and, she does not wish to prosecute either against the applicant or other co-accused also. The informant has appeared before us on 23.01.2024 and made a statement that the matter is settled. She does not wish to prosecute the matter.

6. The applicant and co-accused assured of paying good return and took sizable amount from the informant. It appears that by the time, the matter has been settled. The informant stated that the money has been returned and she does not wish to go on. The offence cannot be termed as heinous or antisocial. The offence is purely of a private nature having no social impact.

7. We have brought to the notice of the applicant that because of registration of crime, the Police Machinery was rotated and entire investigation is at the verge of completion. At this stage, the learned counsel appearing for applicant expressed his willingness to deposit sum of Rs. 20,000/- towards cost.

8. In view of above, application is allowed. We hereby quash and set aside FIR vide Crime No.211/2022 registered by Police Station Hudkeshwar, Tah. and Dist. Nagpur for the offence

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punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code on account of settlement subject to the compliance of deposit of cost.

9. The applicant shall deposit sum of Rs. 20,000/- within two weeks to the Vidharba Lady Lawyers Association, High Court Bench at Nagpur.

10. The matter be placed for noting compliance on 21.03.2024.

**(MRS. VRUSHALI V. JOSHI, J.)**

**(VINAY JOSHI, J.)**