



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

CRIMINAL APPLICATION (APL) NO. 1414 OF 2023

Arjun s/o Pradeep Jaiswal
Age – 32 years,
Occupation – Business,
R/o. Rimjim Niwas, Wardha Road,
Nagpur.

}

... Applicant

Versus

1. State of Maharashtra,
Through Police Station Officer,
Police Station Bajaj Nagar,
Nagpur.

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2. Ashish s/o Sudhakarao Kowale
Age 40 years, Occupation – Business,
R/o. GB5, Shiv Darshan Apartment,
Patel Nagar, Katol Road, Nagpur.

... Non-applicants

3. Commissioner of Police,
Nagpur City, Police Bhavan,
Civil Lines, Nagpur.

Mr. A. Ananthakrishnan, Advocate for applicant.

Mr. M.J. Khan, APP for non-applicant Nos.1 & 3.

Mr. R.R. Vyas, Advocate for non-applicant No.2.

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

DATE : 15.01.2024.

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 FIR in Crime No.282/2023, registered with Police Station Bajaj Nagar, Nagpur, for the offences punishable under Sections 406, 420, 468, 471 of the Indian Penal Code, on account of settlement.

(4) The informant was running a hotel business in the name of style as “The Common Ground Sports Cafe & Restro”, in which the applicant has been appointed as a Manager. The differences arose, on which, the applicant was removed from the service on 20.10.2022. The informant learnt that the applicant has opened a bank account in the name of informant’s business concern. He has also used forged and fabricated documents in the name of informant’s concern for opening a bank account, not only that the applicant has changed the password and connected with his mobile. In this way, the applicant has diverted the payment to his account which the firm was supposed to receive. In view of that, the report has been lodged.

(5) Initially, we have issued notices, on which, the parties have appeared. In the meantime, there has been amicable settlement between the parties. The applicant has handed over the

Demand Draft of Rs.2,50,000/- to the informant. The police have seized sum of Rs.1,76,081/- in connection with crime. It was agreed that the said amount shall be received by applicant, for which, the informant has no objection. It is agreed that the informant will not lie any claim on the seized sum. The parties have filed a joint affidavit to that effect incorporating the terms of settlement.

(6) Today, the informant is present and has been identified by his Advocate. The informant agreed about settlement, receipt of sum of Rs.2,50,000/- and also stated that he has no objection to quash the proceeding. On our query, he stated that to save the reputation of his concern and to maintain cordial relations, he do not wish to proceed with the case.

(7) It appears from the report that the applicant in calculated manner just to grab money by deceitful means not only opened a bank account but prepared forged documents to enable him to open the account. Apparently, since the report has been lodged and investigation has commenced, the applicant has come down to his knees and settled by way of returning amount to the informant. Due to registration of crime and commencement of investigation, the

matter has been resolved. The police machinery is obviously used. At this juncture, the applicant's learned counsel shows willingness that the applicant would deposit sum of Rs.25,000/- towards costs.

(8) Though, the offence pertains to forgery and cheating, however, it was in between two private parties. The amount which was received has been returned and the informant has no grievance. The offence cannot be termed as anti-social or against the society. It is evident that for personal gain, everything has happened. Since the matter has been settled, continuation of prosecution would be exercise in futility. In view of the above peculiar facts, we are inclined to exercise our inherent powers.

(9) In view of settlement, the application is allowed. We hereby quash and set aside FIR in Crime No.282/2023, registered with Police Station Bajaj Nagar, Nagpur, for the offences punishable under Sections 406, 420, 468, 471 of the Indian Penal Code.

(10) The applicant shall deposit sum of Rs.25,000/- with the Police Welfare Fund within one week.

(11) Stand over to **24.01.2024**, for noting compliance.

(12) The applicant may apply to the Magistrate for refund, on which, the magistrate may pass appropriate orders as permissible under law.

[VRUSHALI V. JOSHI, J.]

[VINAY JOSHI, J.]

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