



Judgment

apl1494.23

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

CRIMINAL APPLICATION [APL] No. 1494/2023.

1.Shiv s/o Harikisan Agrawal,
Aged about 68 years, Occupation – Business,

2.Ritu @ Rita w/o Shiv Agrawal,
Aged about 61 years, Occupation Business,

Both residents of Zenda Chowk, Dharampeth,
Nagpur. ...

APPLICANTS.

VERSUS

1.State of Maharashtra,
through P.S.O. Wadi,
Nagpur.

2.Shyamsunder Vallabhdas Mundada,
Aged about 51 years, Occupation – Business,
Office Plot no.14, Kachimeth,
Amravati Road, Nagpur.

3.Economic Offences Wing, Nagpur
through Investigating Officer, EOW,
Nagpur. ...

NON-APPLICANTS.

Mr. M. Z. Haq, Advocate for Applicants.

Mr. A.S. Ashirgade, A.P.P. for Non-applicant No.1 – State.

Mr. Sunil Manohar, Senior Advocate with Shri Y.P. Kataria, Advocate
for Non-applicant No.2.

Rgd.

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

DATE : MARCH 14, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. **Admit.**

By consent of the learned Counsel appearing for the parties, the matter is taken up for final disposal.

2. This is an application seeking to quash the first information report bearing Crime No.579/2023 registered with Wadi Police Station, Nagpur for the offence punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code, on account of mutual settlement.

3. Initially the first information report has been lodged on account of alleged misappropriation and the offence of cheating. The informant has agreed to purchase different pieces of land for a total consideration of Rs.60.98 Crores. Applicants who are owners

have received Rs.42.98 Crores, and something odd towards part consideration, however, the transaction was avoided which caused the informant to file a report for misappropriation and cheating.

4. We have already noted the transaction in detail in our earlier order dated 27.02.2024. Parties have mutually settled the dispute by resolving the issues and have urged before us to quash the first information report. The informant has appeared before us on last date and stated about the settlement. Both parties have jointly filed terms of settlement in the form of Criminal Application No.320/2024. The informant has agreed about the settlement and gave no objection to quash the proceeding.

5. Since the parties have mutually undertook to complete the agreed sale transaction, the matter was posted today for reporting compliance of the transaction. Both the learned Counsel jointly submit that in pursuance of the agreed terms, 4 different sale deeds have been executed in favour of the informant company, whilst a small strip of land meant for road was resold in favour of the

applicant company. Both parties are unanimous on the point that as per the terms of settlement, sale deeds have been execute and they have no objection to quash the proceeding.

6. We have taken a note that on account of registration of the crime, police are required to undertake further steps in the form of recording statements, visit various places, freeze bank accounts and so on. At this juncture, both the learned Counsel would submit that in order to compensate for utilizing State machinery, each side would deposit an amount of Rs.1 lakh towards costs.

7. The alleged offence is of misappropriation and cheating, which is in the form of private nature. Rather the crime is registered on account of private dispute, which cannot be termed as grave or heinous one. The offences have no social impact. In the circumstances, as the parties have mutually settled the dispute, we deem it appropriate to invoke our inherent jurisdiction. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The first information report bearing Crime No.579/2023 registered with Wadi Police Station, Nagpur for the offence punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.
- (iii) Applicant nos.1 and 2 shall jointly deposit an amount of Rs.1 lakhs, with Nagpur Association for the Rehabilitation of Children and Adults with Orthopedic and Other Disabilities, Nagpur by 27.03.2024. So also the non-applicant no.2/informant shall also deposit the same amount within the aforesaid period with the same institution. List the matter for reporting compliance on 28.03.2024.

JUDGE

JUDGE