



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

CRIMINAL APPLICATION 170/2024 (APL)

1. Harish Hajar Khan, aged about 24 years, Occ. Private r/o 238, Singer, Mewad, Haryana 122508.
2. Mustafa Dhanna Khan, aged about 25 years, Occ. Private, R/o 280 Kot, Palwal Haryana 121103.
3. Asif Munaf Khan aged about 27 years, Occ. Private, r/o 96 Tapkan Dist. Mewat, Hariyana 122107.
4. Shahid Shafi Mohammad Khan, aged about 28 years, Occ. private r/o c/o Nishal Fakiya Kharvel Distt.Valsad, Gujarat 396050.

Applicants

-Versus-

1. The State of Maharashtra through Police Station Officer, Police Station Pardi, Nagpur.
2. Amarnath Rao S.G. aged about 59 years, Occ. Private r/o Plot no.28, Sakku Niwas, Hare Krishna Layout, Beside Doorwani Medicak Ramamurthy Nagar, Bangalore North, Bangore, Karnataka 560016

Non-applicants.

Mr. Sahil Mate, counsel for the applicants.

Mr. S.A. Ashirgade, APP for the non-applicants

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

DATE : 21st March, 2024

ORAL JUDGMENT (Per : Vinay Joshi, J.)

1. Heard. Admit. The criminal application is heard finally with the consent of the learned counsel for the parties.
2. This is an application seeking to quash charge-sheet (RCC No.3402 of 2023) arising out of Crime No.346 of 2023 dated 02.06.2023 registered with Police Station Pardi Nagpur for the offences punishable Under Sections 408, 411, 120-B and r/w 34 of the Indian Penal Code on account of settlement.
3. The informant was running a logistic company. He own several trucks, on which he has appointed various drivers. It is his case that the container truck owned by the company bearing registration No. KA 53 AA 4233 was sent with goods from Bangalore towards Delhi. The applicants were the drivers and cleaners of the said truck. Though, truck was sent from Bangalore on 26/05/2023 it went untraceable from 29/05/2023 along with goods. The informant tried to contact the driver on mobile, but could not. Somehow truck was traced near petrol pump at Nagpur. However, valuable goods worth near about six crores were found to be missing and therefore the report. The Police have investigated the matter and filed charge-sheet.

4. In the meantime, the matter has been settled in between the parties. The informant has filed an affidavit stating about settlement, receipt of all the goods and has no objection to quash the proceedings. The informant has appeared before us on last date, who was identified by his Advocate Mr.Sahil Mate. On our enquiry, he has stated about settlement and no objection to quash the proceedings. Particularly, informant stated that some of the accused are still in his service as a driver and therefore he do not wish to prosecute them. The informant also stated that he has no grievance against the persons, who are shown to be absconding accused. It is submitted by the informant that the applicants are his trusted employees but due to misunderstanding, he has lodged the report.

5. It reveals that employer has lodged the report against the employees about the misappropriation of goods. By the time, all the goods have been received by the informant and thus, he has no grievance. Particularly, considering a relationship the matter has been settled. The offences cannot be termed as heinous or antisocial. When we brought to the notice that the police

machinery has rotated and several steps have been taken, the applicants' counsel submits that the applicants would deposit sum of Rs.25,000/- as costs.

6. In view of above, the criminal application is allowed. We, hereby quash and set aside the charge-sheet (RCC No.3402 of 2023) arising out of Crime No.346 of 2023 dated 02.06.2023 registered with Police Station Pardi, Nagpur for the offences punishable Under Sections 408, 411, 120-B and r/w 34 of the Indian Penal Code.

7. The applicants shall deposit a sum of Rs.25,000/- to the Government Pleader's Library, Nagpur High Court within two weeks from today.

8. Place the matter for noting the compliance on 05.04.2024.

(VRUSHALI V. JOSHI, J)

(VINAY JOSHI, J)