



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

CRIMINAL APPLICATION (APL) NO.458 OF 2024

1. Khaja Minhajuddin,
Age 58 yrs., Occ. Builder.
 2. Azhar s/o. Khaja Minhajuddin.
 3. Afsar s/o. Khaja Minhajuddin.
 4. Sultana Fatima w/o. Khaja Minhajuddin,
All No. 1 to 4 are residing at Plot No.118,
Zafar Nagar Near Police Line Takli,
Nagpur 440013.
- ... APPLICANTS**

...VERSUS...

1. State of Maharashtra,
Through PSO Gittikhadan,
Tahsil & District Nagpur.
 2. Smt. Sayyed Nilofar Moinuddin Sayyed,
R/o. Plot No.12, Choudhari Layout,
Anant Nagar, Katol Road, Nagpur-440013.
- ...NON-APPLICANTS**

Mr. I. Haque, Advocate for Applicants.
Mr. S. V. Narale, A.P.P. for Non-applicant/State.
Ms. P. B. Pantawane, Advocate for Non-applicant No.2.

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

DATED :- 20.03.2024

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

1. Heard. **ADMIT.** The matter is taken up for final disposal by
consent of learned Counsel appearing for the parties.

2. This is an application seeking to quash First Information Report in Crime No.56/2024 registered with Police Station, Gittikhadan, District Nagpur for the offence punishable under Sections 406, 420, 506, 451, 354, 294 read with Section 34 of the Indian Penal Code on account of settlement.

3. The informant lady alleges that she has paid total sum of Rs.9,00,000/- to the applicants for purchase of plot. However neither sale-deed was executed nor money was returned, therefore, the report.

4. In the meantime, the parties have amicably settled the dispute out of the Court. The informant lady has filed an affidavit stating that she has received the settlement amount of Rs.4,45,000/- and, therefore, she does not wish to prosecute the criminal case. The informant has appeared before us and has been identified by her Counsel Ms. P. B. Pantawane. On our query, the informant lady has accepted about receipt of Rs.4,45,000/- and gave her no objection to quash the prosecution. Learned Counsel for the applicants agreed to deposit sum of Rs.10,000/- towards the costs.

5. Having regard to the nature of the crime, it cannot be termed as heinous or anti-social. The matter is amicably settled, hence, continuation of the prosecution would amount to abuse of process of the Court.

6. In view of above, the application is allowed. We hereby quash and set aside the First Information Report in Crime No.56/2024 registered with Police Station, Gittikhadan, District Nagpur for the offence punishable under Sections 406, 420, 506, 451, 354, 294 read with Section 34 of the Indian Penal Code on account of settlement.

7. The applicants shall deposit sum of Rs.10,000/- to the High Court Legal Services Sub Committee, Nagpur within one week from today.

8. The matter be placed on 01.04.2024, for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)