



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

CRIMINAL APPLICATION (APL) NO. 753 OF 2024

D.Veerbhadra Reddy @ Chinna Babu Garu and others

-Vs.-

The State of Maharashtra, through Economic Offence
Wing, Crime Branch, Nagpur and another

CRIMINAL WRIT PETITION NO. 138 OF 2024

Anup S/o Ramawtar Goyal

-Vs.-

Port Police Station, Kakinada, District-Kakinada
(Andhra Pradesh), thr.its Police Station Officer and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's Orders.
or directions and Registrar's orders.

APL No. 753/2024

Mr.Nitin A. Lalwani, Advocate for the applicants.

Mr. S.M.Ukey, APP for respondent No.1.

Mr. S. D. Dewani, Adv. for respondent No.2.

W.P.No. 138/2024

Mr. S.D.Dewani, Adv.for the petitioner.

Mr. Nitin A. Lalwani, Adv.for respondent No.2.

Mr. Anoop Badar, APP for respondent No.3.

**CORAM: SMT. VIBHA KANKANWADI &
MRS.VRUSHALI V. JOSHI, JJ.**

CLOSED ON : 13TH JUNE, 2024

PRONOUNCED ON : 20TH JUNE, 2024

Per : Smt.Vibha Kankanwadi, J.

Criminal application under section 482 of the Code of Criminal Procedure and criminal writ petition under Article 226 of the Constitution of India have been filed for quashing the First Information Reports (FIRs). However, the applicants in Criminal Application (APL) No.753 of 2024 seek quashment of the FIR, registered with Lakadganj Police Station, Nagpur, Maharashtra State against them, whereas the petitioner in Writ

Petition No.138 of 2024 seek quashment of FIR, filed against him with Port Police Station, Kakinada, Andhra Pradesh State. It appears that the transaction involved in both the matters is same and between the same parties. Now they have settled their dispute out of the Court. Hence, this common order is passed.

2. In Criminal Application (APL) No.753 of 2024 the offences vide Crime No.127 of 2024, registered with Lakadganj Police Station, Nagpur for the offence punishable under sections 384, 420, 120-B read with section 34 of the Indian Penal Code, it is alleged that amount of Rs.1,68,88,100/- has been extorted from the informant. It is then stated that the informant therein, i.e. respondent No.2 runs a company of manufacture and export of rice/paddy. Then there was transaction between him and the accused persons (applicants) and he has given the details as to how the alleged amount was extorted from him and how he has been cheated. He states that he had transferred the amount through RTGS or by other mode from Lakadganj, Nagpur.

3. In Criminal Writ Petition No.138 of 2024, respondent No.2 filed FIR with Port Police Station, Kakinada, Andhra Pradesh State for the offence punishable under section 420 of Indian Penal Code. The transaction is the same. However, it is alleged that the accused had called the informant and offered him to give contract. An amount of Rs.5,00,000/- was given to the petitioner at Port area, Jetty, Beach Road, Kakinada, Andhra Pradesh State. However, it is said that the contract was not given to the informant (respondent No.2) and thereby cheating has been done.

4. The learned Advocate for the petitioner has taken us through the written complaint, which he had filed on

22/12/2023 with Sitabuldi Police Station, Nagpur, Maharashtra State. He has also taken us through the legal notice issued on behalf of the informant's company on 10/01/2024 through him and the other communications later on. Taking into consideration all those documents, it appears that part of the transaction had taken place in the jurisdiction of Nagpur, Maharashtra State and part of it is at Kakinada, Andhra Pradesh State. The question arose as to whether this Court has jurisdiction to quash and set aside the FIR, which is registered at Port Police Station, Kakinada in Andhra Pradesh State. The learned Advocate for the petitioner relies on **State of Arunachal Pradesh v. Kamal Agarwal and others; 2024 OnLine SC 554**. The Hon'ble Supreme Court held that though the Rajasthan High Court had quashed and set aside the FIRs, the cognizance appeared to be taken by the learned Chief Judicial Magistrate, Pasi Ghat, District Siang East, Arunachal Pradesh and therefore, the State of Arunachal Pradesh ought to have been happy to get rid of an unnecessary criminal case. In view of the fact that no cause of action had arisen in its territorial jurisdiction, thereby it is held that the quashing of FIR by Rajasthan High Court was correct. He further relies on the decision of this Court in **Dhara Surbhit Barla and another v. State of Maharashtra and another; 2012 SCC OnLine Bom 1678**, wherein it was the question as to whether this Court while exercising its jurisdiction under Article 226 of the Constitution of India can quash the FIR, which has been filed at Raipur (which is not in the territorial jurisdiction of this Court). It was held that in extraordinary circumstances, if the Court is satisfied that it is in the best interest of parties to exercise its power under Article 226, it would not hesitate to do so. Reliance has also been placed on the decision in **Navinchandra N. Majithia v. State of Maharashtra and others; (2000) 7 SCC 640**. It has been held that from the provision in

clause (2) of Article 226 of the Constitution of India, it is clear that the maintainability or otherwise of the writ petition in the High Court depends on whether cause of action for filing the same arose, wholly or in part, within the territorial jurisdiction of that Court. It has been then submitted that since part of cause of action in the present case also arose within the territorial jurisdiction of this Court, this Court has jurisdiction to quash and set aside the FIR, which is registered with Port Police Station, Kakinada, Andhra Pradesh State.

5. We agree with the submissions made on behalf of the petitioner as well as taking into consideration the decisions above referred when the part of cause of action arose within the jurisdiction of this Court, as the transaction was based on the commercial transaction (contract), this Court has jurisdiction to entertain the writ petition.

6. Now the parties have settled their dispute and they have entered into Memorandum of Understanding (MoU) on 23/03/2024. Copy of the same has been given in both the matters and the respective informants agree that the FIR needs to be quashed and set aside on the ground of the said settlement. The amount is now exchanged as per the said MoU. Further, in view of the fact that much of the part of the facts depended on the commercial transaction and when it is now settled, it would be the fit cases to quash the FIRs in both the matters. However, since the entire Police machinery of the Maharashtra State as well as the State of Andhra Pradesh has been used to settle the dispute, also costs deserves to be imposed upon the applicants/petitioner.

6. With the above said observations, we proceed to pass following order:

ORDER

(i) Criminal Application (APL) No.753 of 2024 and Criminal Writ Petition No.138 of 2024 stand allowed.

(ii) The FIR bearing Crime No.127 of 2024, registered with Lakadganj Police Station, Nagpur, Maharashtra State for the offence punishable under sections 384, 420, 120-B read with section 34 of the Indian Penal Code against the applicants/accused viz. (1) D.Veerbhadrappa Reddy @ Chinna Babu Garu, (2) Bipin Ramkumar Agrawal, (3) B. V. Krishna Rao and (4) Sri Laxmi Venkateshwara Hygiene Food Pvt. Ltd. stands quashed and set aside.

(iii) The FIR bearing Crime No.18 of 2024, registered with Port Police Station, Kakinada, Andhra Pradesh State for the offence punishable under section 420 of the Indian Penal Code against the petitioner/accused viz. Anup Ramawtar Goyal stands quashed and set aside.

(iv) All the four applicants in Criminal Application (APL) No.753 of 2024 and the petitioner in Criminal Writ Petition No.138 of 2024 each are directed to deposit the amount of Rs.25,000/- with the High Court Legal Services Sub-Committee, Nagpur within a period of fifteen days from today.

(v) Upon the deposit of the said amount, the High Court Legal Services Sub-Committee, Nagpur to transfer 50% amount to Mandal Legal Services Committee, Kakinada, Andhra Pradesh State.

(MRS.VRUSHALI V. JOSHI, J) (SMT.VIBHA KANKANWADI, J)