



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

CRIMINAL APPLICATION (APL) NO. 561 OF 2024

Anil S/o. Sitaram Sewada,
Aged about 50 years, Occ. : Business,
R/o. Plot No.23, Jirapure Layout,
Amrai, Wadgaon, Yavatmal,
Tq. & Dist. Yavatmal.

... **APPLICANT**

...VERSUS...

1. State of Maharashtra,
Through Police Station Officer,
Police Station Awadhutwadi, Yavatmal,
Tq. & Dist. Yavatmal.
2. Sharad Subhashchandra Bhoot,
Aged about 50 years, Occ. - Business,
R/o. Bajoriya Nagar, Yavatmal,
Tq. and Distt. Yavatmal.

..**NON-APPLICANTS**

WITH

CRIMINAL APPLICATION (APL) NO. 40 OF 2024

Rani Ritesh Pawar,
Aged about 38 years, Occ. Service,
R/o. Pusad, Tah. Pusad, District Yavatmal.

... **APPLICANT**

...VERSUS...

1. The State of Maharashtra,
Through its Police Station Officer,
Awadhutwadi, Yavatmal,
Tah. & Distt. Yavatmal.
2. Sharad Subhashchandra Bhoot,
Aged 49 years, Occ. - Business,
R/o. Plot No.30, Dhanganga,
Near Sai Mandir, Bajoriya, Yavatmal,
Tah. & Distt. Yavatmal.

..**NON-APPLICANTS**

WITH**CRIMINAL APPLICATION (APL) NO. 659 OF 2024**

Ramesh s/o. Papayyaji Gampawar,
Aged 53 years, Occu: Contractor,
R/o. Shiavaji Chowk, Etapalli,
Tah.- Etapalli, Dist. - Gadchiroli – 442704. ... **APPLICANT**

...VERSUS...

1. State of Maharashtra,
Through its Police Station Officer,
Police Station, Avdhutwadi, Dist. Yavatmal.
2. Sharad Subhashchandra Bhut,
Aged 49 years, Occu. - Business,
R/o. Plot No.30, Dhanganga, Bajoriya Nagar,
Sai Mandir Road, Avdhutwadi, Yavatmal,
Dist. Yavatmal. **..NON-APPLICANTS**

WITH**CRIMINAL APPLICATION (APL) NO. 661 OF 2024**

Pratap S/o. Vyankatswami Polampalli,
Aged 30 years, Occu.: Contractor,
R/o. Sironch, Po.- Sinroncha,
Tah. & Dist. Gadchiroli – 442504. ... **APPLICANT**

...VERSUS...

1. State of Maharashtra,
Through its Police Station Officer,
Police Station, Avdhutwadi, Dist. Yavatmal.
2. Sharad Subhashchandra Bhut,
Aged 49 years, Occu. - Business,
R/o. Plot No.30, Dhanganga, Bajoriya Nagar,
Sai Mandir Road, Avdhutwadi, Yavatmal,
Dist. Yavatmal. **..NON-APPLICANTS**

WITH

CRIMINAL APPLICATION (APL) NO. 1421 OF 2023

Krunal Rajendra Pinjarkar,
Aged about 41 yrs.,
Occ. - Executive Engineer, PWD, Achalpur,
R/o. Itwari, Nagpur.

... **APPLICANT**

...VERSUS...

1. The State of Maharashtra,
P.S.O., P.S. Awadhutwadi, Dist. Yavatmal.
2. Sharad Subhashchandra Bhoot,
Aged 45 years,
R/o. Plot No.30, Dhanganga, Bajoriya,
Sai Mandir, Yavatmal.

..**NON-APPLICANTS**

WITH

CRIMINAL APPLICATION (APL) NO. 1646 OF 2023

Chandrashekhar Govindrao Salodkar,
Aged 46 years, Occu.: Service,
Executive Engineer, Pradhan Mantri Gram
Sadak Yojana, Gadchiroli,
R/o. Flat No.302, Karunasheel Bhandare
Apartment, Medical Road, Near Raymond
Showroom Untkhana, Hanuman Nagar,
Nagpur.

... **APPLICANT**

...VERSUS...

1. State of Maharashtra,
Through its Police Station Officer,
Police Station Avdhutwadi, Dist. Yavatmal.
2. Sharad Subhashchandra Bhut,
Aged 49 years, Occu. - Business,
R/o. Plot No.30, Dhanganga, Bajoriya Nagar,
Sai Mandir Road, Avdhutwadi, Yavatmal,
Dist. Yavatmal.

..**NON-APPLICANTS**

WITH

CRIMINAL APPLICATION (APL) NO. 11 OF 2024

Chunnilalji Durgaprasadji Sharma,
Aged about 65 yrs., Ocu.- Contractor,
R/o. Harihar Nagar, Dharni,
Tq. Dharni, Dist. Amravati.

... **APPLICANT**

...VERSUS...

1. State of Maharashtra,
Through Police Station Officer,
P. S. Awadhutwadi, Dist. Yavatmal,
2. Sharad Subhashchandra Bhoot,
Aged about 49 years, Occ. - Business,
R/o. Plot No.30, Dhanganga, Bajoria Nagar,
Sai Mandir Road, Yavatmal, Godhani Road,..**NON-APPLICANTS**
Bajoria Nagar, Tq. and Dist. Yavatmal.

WITH**CRIMINAL APPLICATION (APL) NO. 1097 OF 2024**

Nitin Rambhau Chintawar,
Aged 58 years, Occu.- Retired (Pensioner),
R/o. Plot No.12, Rampuri, Tukum,
Tah. & Dist. Gadchiroli.

... **APPLICANT**

...VERSUS...

1. State of Maharashtra,
Through its Police Station Officer,
Police Station, Avdhutwadi, Dist. Yavatmal.
2. Sharad Subhashchandra Bhut,
Aged 49 years, Occu. - Business,
R/o. Plot No.30, Dhanganga, Bajoriya Nagar,
Sai Mandir Road, Avdhutwadi, Yavatmal, ..**NON-APPLICANTS**
Dist. Yavatmal.

Mr. S. A. Mohata, Advocate for Applicant in Cri.APL No.561/2024.
Mr. M. P. Kariya, Advocate for Applicant in Cri.APL No.40/2024.
Mr. A. D. Ramteke, Advocate for Applicant in Cri.APL Nos.659/2024 & 661/2024.
Mr. M. N. Ali, Advocate for Applicant in Cri.APL No.1421/2023.

Mr. A. A. Dhawas, Advocate for Applicant in Cri.APL Nos.1649/2023 & 1097/2024.

Mr. S. B. Gandhe, Advocate for Applicant in Cri.APL No.11/2024.

Ms S. S. Jachak, A.P.P. for Non-applicant/State in all applicatins.

Mr. Sameer Khan, Advocate for Non-applicant No.2 in all applications.

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

DATED :- 26.08.2024

CRIMINAL APPLICATION (APL) NOS.11/2024 & 1097/2024.

. Both these applications are not on board. On mentioning, taken on board.

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

1. Heard.
2. **ADMIT.** The matters are taken up for final disposal by consent of learned Counsel appearing for the parties.
3. All these applications are filed by different persons, who have been arrayed as an accused in Crime No.1038/2023 registered with Police Station Awadhutwadi, District Yavatmal for the offences punishable under Sections 406, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code on account of settlement.

4. The informant Sharad alongwith one of the applicant Anil have formed a partnership firm in the name and style as “M/s. Shri Shambaba Engineering and Contractors”. The firm was indulging into construction activities mostly doing Government Contract Work. There has been dispute between two partners i.e. the informant Sharad and one of the applicant Anil. The informant alleges that by forging his signatures, the applicant Anil has opened new bank account and diverted entire dues into the new account with the aid of rest of the applicants, who are Sub Contractors, Executive Engineers and Bank Managers.

5. By virtue of interim order of this Court, the charge-sheet has not been filed. In the meantime, the differences and disputes between two partners have been settled. They decided and continued the business in the name of same firm. On the basis of their internal settlement, the informant has filed reply-cum-affidavit in all the applications stating about settlement and his no objection to quash all the prosecution.

6. Having regard to the contents of the First Information Report, we have asked as to why besides the principal accused i.e. applicant Anil rest of the authorities have been arraigned as an accused. We could not get satisfactory answer to that effect. Rather it is the informant's contention that the authorities have deposited money in alleged fictitious account that is why they have been arraigned as an accused. Be that as it may, now the

differences have been settled between two partners, obviously, due to registration of the First Information Report, the matter is settled.

7. We cannot ignore the fact that by virtue of *inter se* dispute between two partners, the other different authorities have been arrayed as an accused, which resulted them to run for securing bail and other necessary relief. At this juncture, the learned Counsel for the informant has submitted that the informant would deposit sum of Rs.10,000/- in each petition for rotating the process of law.

8. The dispute arises out of internal differences between two partners. The matter has been amicably settled. The offences cannot be termed as heinous or anti-social. Having regard all above facts, continuation of the prosecution would be exercised in futility. In view of the above, we deem it appropriate to invoke our inherent powers. Hence, the following order.

9. The Criminal Application (APL) Nos.561/2024, 40/2024, 659/2024, 661/2024, 1421/2023, 1646/2023, 11/2024, 1097/2024 are allowed.

10. We hereby quash and set aside the First Information Report No.1038/2023 registered with Police Station Awadhutwadi, District

Yavatmal for the offences punishable under Sections 406, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code against all accused.

11. The informant shall deposit sum of Rs.10,000/- in each petition towards costs with Government Pleader Library within a period of one week from today.

12. The matter be placed on 03.09.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)