



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

CRIMINAL APPLICATION (APL) NO. 898 OF 2023
WITH
CRIMINAL APPLICATION (APL) NO. 1698 OF 2024

CRIMINAL APPLICATION (APL) NO. 898 OF 2023

1. Ganesh Vilasrao Mahalle,
Age 32 yrs, occ.Labour,
R/o. Ghatpuri, Tq. Khamgaon,
District Buldhana

..... **APPLICANT**

...V E R S U S...

1. The State of Maharashtra,
through a Police Station Officer,
Khamgaon (City), Khamgaon,
Tq. Khamgaon, District Buldhana,

2. Smt. Shubhangi Vishal Ghule,
Age about 44 yrs, occ. Doctor,
R/o. In front of Panchayat Samiti,
Khamgaon, Tq. Khamgaon,
District Buldhana

.....**NON-APPLICANTS**

CRIMINAL APPLICATION (APL) NO. 1698 OF 2024

1. Pankaj s/o Wamanrao Ghule,
aged about 49 yrs, Occ. Business,
R/o Shukla layout, Khamgaon,
Tq. Khamgaon, District Buldhana

2. Vandana w/o Dattatraya Mundhe,
Aged about 52 yrs, Occ. Housewife,
R/o Hiwarda, Tq & Dist Osmanabad

3. Ramesh s/o Ramanlal Bhattad,
Aged about 42 yrs, Occ. Advocate,
R/o Akola Bazar, Khamgaon,
Tq. Khamgaon, Dist Buldhana

..... **APPLICANTS**

...V E R S U S...

1. The State of Maharashtra,
through a Police Station Officer,
Police Station Khamgaon (City),
Tq. Khamgaon, District Buldhana,

2. Smt. Shubhangi Wd/o Vishal Ghule,
Age about 39 yrs, occ. Doctor,
R/o. In front of Panchayat Samiti,
Khamgaon, Tq. Khamgaon,
District Buldhana

NON-APPLICANTS

Mr. A.A. Naik, Sr. Advocate a/b Mr. P.R. Agrawal, Advocate for
applicants in APL 1698/2024

Mr. V.S. Alone, Advocate for applicant in APL 898/2023.

Mr. I.J. Damle, APP for non-applicant No.1/State.

Mr. A.D. Bhate, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.

DATE : 20.12.2024

JUDGMENT (Per : Abhay J. Mantri, J.)

Heard. Admit. Since both criminal applications arise
from Crime No. 143/2023, they are heard by consent of the learned
Counsel for the parties and decided by this common judgment.

2. These applications seek to quash and set aside Crime No.
143/2023, registered with Police Station Khamgaon City, for the
offences punishable under Sections 406, 420, 467, 471, and 120(B)
of the Indian Penal Code. (for short- 'IPC').

3. The gist of the applications is that non-applicant No. 2 alleges that the applicants made a conspiracy and prepared a false will. Thereby, the applicants fraudulently or dishonestly use the said will as genuine, which they know or have reason to believe to be a forged document, so also the applicants were a party to a criminal conspiracy to commit an offence. Thus, the applicants have committed a criminal breach of trust. Therefore, the complainant lodged a report against the applicants. Based on the complaint, offences punishable under Sections 406, 420, 467, 471, and 120(B) of the Indian Penal Code came to be registered against the applicants vide Crime No. 143/2023.

4. Being aggrieved by the registration of FIR and criminal proceedings arising thereof, applicants filed this application to quash and set aside the same since the allegations made therein do not constitute the commission of any of the offences.

5. Mr. Naik, the learned senior counsel, submits that the dispute between the parties has been amicably settled before learned Civil Judge Junior Division, Khambaon, in Regular Civil Suit No. 148/2022. Accordingly, they have tendered consent terms

before the said Court, a copy of which is produced on record of this Court. He drew our attention to paragraph 6 of the consent terms. He canvassed that non-applicant No. 2 has agreed to give no objection to quash criminal proceedings bearing RCC No.195/2024 arising out of Crime No. 143/2023 registered at Khamgaon Police Station.

6. A perusal of the record shows that during the pendency of the application, the dispute between the applicants and non-applicant No. 2 has been resolved amicably. Accordingly, both have filed consent terms before the Civil Judge Junior Division, Khamgaon, in Regular Civil Suit No. 148/2022. Notably, non-applicant No. 2 filed an affidavit in reply to APL No. 1698/2024 and averred that the dispute between herself and the applicants had amicably resolved. Accordingly, a compromise decree has been drawn in Regular Civil Suit No. 148/2022; pursuant to the decree, she assented to the quashment of R.C.C. No. 195/2024 pending on the file of Judicial Magistrate First Class, Khamgaon.

7. The applicants in both applications and non-applicant No. 2 are present before the Court, and their respective counsel

identified them. They have reiterated the contents of the consent terms dated 21/11/2024 and stated that the matter had been amicably settled between them. Pursuant to that, non-applicant No. 2 states that she does not want to proceed with the Criminal proceedings against the applicants arising out of Crime No. 143/2023 and has voluntarily given no objection to quash the same.

8. Thus, it seems that the matter has been amicably settled between the parties, and a compromise decree has been drawn in Regular Civil Suit No. 148/2022; pursuant to the decree, non-applicant No. 2 assented to the quashing of Regular Criminal Case No. 195/2024 pending on the file of Judicial Magistrate First Class, Khamgaon. Accordingly, non-applicant No. 2 filed an affidavit in reply to APL No. 1698/2024 and averred that the dispute between herself and the applicants had amicably resolved. She has assented to quash the criminal proceedings. *Moreover*, the nature of the offence is neither heinous nor anti-social, but the same arises out of the property dispute. Therefore, in our view, there is no reason to continue with the prosecution.

9. In the wake of the above, it would be proper to allow the applications in terms of the settlement as it would not cause prejudice to any of the parties. We are satisfied that the case is made out to exercise our inherent powers to secure the ends of justice and to prevent abuse of the process of the law. Hence, we pass the following order:

- (i) Both Criminal Applications are allowed in terms of payer clause 1 in application no.1698/2024.
- (ii) The applications stand disposed of.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)