



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

CRIMINAL APPLICATION (APL) NO. 1712 OF 2024

Manoj s/o Jaisingh Hiranwar,
aged about 45 yrs, Occ. Business,
R/o. Plot No. 223, Jaisingh Bhojraj
Bhavan, Gokulpeth,
Nagpur

..... **APPLICANT**

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

1. The State of Maharashtra,
through Police Officer, Police Station
Ambazari, Nagpur

2. Prasad s/o Arun Nimbekar,
aged about 44 yrs, Occ. Business,
R/o Saraswati Layout, Dindayal Nagar,
Nagpur 440 022

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

Mr. P.A. Abhyankar, Advocate for Applicant.
Mr. A.J. Gohokar, APP for non-applicant No.1/State.
Mr. D.N. Mudgale, Advocate for non-applicant No.2.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.
DATE : 17.12.2024

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

Heard. Admit. By consent of the learned Counsel for the
parties, the matter is taken up for the final disposal.

2. The applicant is invoking the inherent jurisdiction of this
Court under Section 528 of the Bhartiya Nagarik Suraksha Sanhita,

2023 to quash Regular Criminal Case (RCC) No. 2151/2024 arising out of First Information Report (“*FIR*”, -for short) bearing Crime No. 799/2023, registered with Ambazari Police Station, Nagpur, for the offences punishable under Sections 448, 451, 427 and 380 of the Indian Penal Code (“*IPC*”, - for short).

3. Being aggrieved by the registration of FIR, the applicant filed this application to quash and set aside the criminal proceeding since the allegations made do not constitute the commission of any of the offences.

4. In short, the facts are that the applicant is the owner of the shop, and non-applicant No. 2 was a tenant. On account of a tenanted property, a dispute arises between the parties. Earlier, the wife of non-applicant No. 2, Mrs. Pooja, lodged FIR No. 33/2023 at Ambazari Police Station against the applicant, and then on 23.11.2023, the non-applicant No. 2 lodged FIR No. 799/2023 against the applicant alleging that the applicant entered into his shop and stolen the valuable articles and caused damages to his property. Based on the FIR, RCC No. 2151/2024 has been filed against the applicant upon completion of the investigation.

5. It also appears that Regular Civil Suit No. 104/2023 was pending between the parties before the Small Causes Court, Nagpur, with respect to the tenanted shop. During the pendency of the said suit, the matter was amicably settled between them, and they filed consent terms before the Small Causes Court, Nagpur. As per the consent terms, the applicant has agreed to pay Rs. 1,50,000/- to non-applicant No. 2 towards a full and final settlement of the entire dispute in respect of the tenanted property/shop. On receipt of the amount, non-applicant No. 2 would not claim any right over the tenanted property, and his tenancy rights came to an end. It was further contended that non-applicant No. 2 had received the entire amount, and, therefore, he has no objection to quashing the aforementioned criminal proceedings.

6. Mr. Abhyankar, the learned Counsel for the applicant, and Mr. Mudgale, the learned Counsel for non-applicant No. 2, have submitted that the matter has been amicably settled between the parties. Accordingly, they have submitted consent terms before the learned Judge of the Small Causes Court, Nagpur, in Regular Civil Suit No. 104/2023, and a copy of the same is tendered before this Court. As per the consent terms, the complainant/non-applicant

NO. 2 does not want to proceed further with the prosecution of R.C.C. No.2151/2024 and has given no objection to quash FIR, and the regular criminal case arising thereof.

7. Today, the applicant and non-applicant No. 2 are present before the Court; their respective counsel identifies them. Non-applicant No. 2 has categorically admitted that he has received the amount agreed upon, and the dispute between them has been redressed. As such, he stated that he does not want to proceed further with the criminal proceedings.

8. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, non-applicant No. 2 also received an amount of Rs. 1,50,000/- and gave no objection to quashing the FIR and RCC No. 2151/2024. *Moreover*, the nature of the offence is neither heinous nor anti-social, but the same arises out of the tenancy rights disputes. 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 application 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) The Criminal Application is allowed.
- (ii) We hereby quash and set aside Regular Criminal Case bearing No. 2151/2024, pending before the Chief Judicial Magistrate, Nagpur, arising out of First Information Report No. 799/2023, registered with Ambazari Police Station, Nagpur, for the offences punishable under Sections *448, 451, 427 and 380* of the Indian Penal Code
- (iii) The application stands disposed of in the above terms.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)