



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

Criminal Application (APL) No. 97 of 2022

Fahim Mafhzull Khan,
Aged about 40 years, Occ. Business,
R/o G.T.Road, Tirora, District Gondia

... Applicant

// VERSUS //

1. State of Maharashtra through Police Station
Officer, Police Station Tirora, District Gondia
2. Pooja Prakash Arora,
Aged about 47 years, Occ. Household,
R/o Zakhir Hussain Ward, Tirora, District
Gondia

... Non-applicants

Shri Aniruddha Suneri Advocate h/f Shri Virat Mishra, Advocate for the
applicant.

Ms. M.H.Deshmukh, APP for the non-applicant/State.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 9th JUNE, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Criminal Application (APPP) No. 155 OF 2023

By this application, applicant is seeking early hearing on the
ground that during the pendency of the present matter, the dispute
between applicant and non-applicant no.2 is amicably settled and
documents in that regard are already placed on record. Hence, it is his

submission that present application can be disposed of in terms of amicable settlement between the parties.

2. Hence, considering the submissions made by applicant, application is allowed and with the consent of the parties the matter is taken up for final disposal.

3. The criminal application is disposed of.

Criminal Application (APL) No. 97 of 2022

1. In the present case on the complaint of non-applicant no.2, the police station Tiroda, District Gondia registered the First Information Report vide crime No. 0418 of 2021 for the offence punishable under Sections 420, 464, 465, 467, 468, 471, 474 and 506 of Indian Penal Code.

2. In the present case, the prosecution story is that after execution of agreement of sale on 26th October, 202 between applicant and husband of non-applicant no.2, the husband of non-applicant no.2 died due to ill-health. Applicant thereafter went to the house of non-applicant no.2 and stated that he has paid entire amount as per agreement

therefore, shop property be transferred in his name by executing the sale-deed.

3. However, after verification of the documents, non-applicant no.2 found that agreement of sale relied by the applicant is fabricated and signature of her husband is forged. Therefore, on her complaint offence came to be registered in the matter.

4. Applicant from the documents placed on record stated that on 14th June, 2021, there was amicable settlement between the applicant and non-applicant no.2. As per the terms of settlement, it is agreed that applicant will withdraw Special Civil Suit No. 23 of 2021 pending before the Civil Judge, Senior Division, Gondia and non-applicant no.2 will withdraw the police report filed by her dated 10th June, 2021 against the applicant. It is further pointed out that as per the said amicable settlement, the applicant has withdrawn the Special Civil Suit No. 23 of 2021 from the file of Civil Judge Senior Division, Gondia. The copy of order dated 23rd June, 2021, allowing Applicant to withdraw the Special Civil Suit No. 23 of 2021 is also placed on record.

5. In the present case, considering above said factual position, this Court by order dated 1st March, 2023 admitted the matter by issuing interim directions to the State that Investigating Officer shall not file the charge-sheet without leave of the Court.

6. From the docket of this application, it is clear that the non-applicant no.2 was duly served through court. But she chose not to appear in the matter.

7. Learned Additional Public Prosecutor did not dispute the order of Civil Judge, Senior Division, Gondia passed in Special Civil Suit No. 23 of 2021.

8. In view of non appearance of Non-applicant No.2 in the matter, to corroborate the fact of amicable settlement, we have perused the allegation levelled against the Applicant in the matter. The bare perusal of allegations, prima facie shows that, complaint came to be lodged out of property dispute. Therefore, it is clear that, to a civil dispute colour of criminal matter has been given.

9. Hon'ble Supreme Court of India in case of ***Narinder Singh & Others Vs. State of Punjab, (2014) 4 SCC 466***, held that in cases where dispute is of predominantly of civil nature and between two individuals then in that case if parties settled the matter and the Court is satisfied that such a settlement would not be detrimental to the interest of society at large. Considering the facts and circumstances of the matter, it is clear that there is no impediment to accept the amicable settlement arrived at between the parties.

10. Hence, considering the factual as well as legal position, we are of the view that offence registered against the applicant deserves to be quashed and set aside. Hence, we proceed to pass the following order.

- (i) Criminal application is allowed;
- (ii) First Information Report vide Crime No. 0418 of 2021 dated 10th June, 2021 registered with Police Station Tirora, District Gondia for the offence punishable under Sections 420, 464, 465, 467, 468, 471, 474 and 506 of Indian Penal Code is hereby quashed and set aside against the applicant - **Fahim Mafhzull Khan.**

Rule is made absolute in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]