



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

CRIMINAL APPLICATION [APL] NO.251 OF 2025

1. Manmohanraj Nahramalji Singhvi
Aged 75 years, Occ : Business.
2. Abhay Manmohanraj Singhvi
Aged 51 years, Occ : Business.
3. Shantilal Kanhaiyalalji Sarupia
Aged 76 years, Occ : Business.

All above R/o. 222/17, Saheli Marg,
District-Udaipur, State : Rajasthan. ..

Applicants

.. Versus ..

1. State of Maharashtra
Through Police Station Ganeshpeth,
Nagpur.
2. Pranav Sureshkumar Sharma
Aged 41 years, Occ : Business,
Power of Attorney of Bhavna Sharma,
R/o. Baidyanath House, Chitnavis Road,
Civil Lines, Nagpur. ..

Non-Applicants

.....
Mr. R.H. Rawlani, Advocate with Mr. A.R. Rawlani, Advocate
for Applicants.
Mr. S.A. Ashirgade, APP for Non-Applicant No.1/State.
Mr. P.N. Rawlani, Advocate for Non-Applicant No.2.
.....

CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.
RESERVED ON : 25th MARCH, 2025.
PRONOUNCED ON : 01st APRIL, 2025.

JUDGMENT [Per : Pravin S. Patil, J.]

1. **Rule.** Rule made returnable forthwith. By consent of the learned Counsel for parties, the matter is taken up for final disposal.

2. This application is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing of first information report registered vide Crime No.299/2021 at Police Station Ganeshpeth, Nagpur on 08.07.2021, Chargesheet No.90/2024 dated 07.10.2024 and consequent Regular Criminal Case No.3752/2024 pending on the file of Judicial Magistrate, First Class, Court No.1, Nagpur for the offence punishable under Sections 420, 406, 409, 120 (B) of the Indian Penal Code, 1860.

3. The non-applicant no.2 is a businessman and authorized by Bhavna Sharma through Power of Attorney dated 28.12.2018 to file report against the present applicants.

Accordingly, on 29.03.2017, Power Purchase Agreement was signed between the applicants and Fourth Partner Energy Private Limited. Accordingly, Solar Panels were installed at the Roof Top Building of S.S. Engineering, Udaipur. The applicants are the Trustees of S.S. Education Trust and running the Engineering College.

It is the case of informant that since the month of January, 2018, the present applicants stopped paying for the electricity dues and thereby an amount of Rs.11,20,758/- was outstanding. Further, it is his allegation that the applicants have dismantled some solar panels without any prior permission of non-applicant no.2. As a result, solar plant got damaged and non-applicant no.2 had to pay Rs.6,54,980/- for the repairs. Due to non-payment of said amount, he had lodged police complaint against the applicants on 08.07.2021 to the Police Station Ganeshpeth, Nagpur. On his complaint, the offence punishable under Sections 420, 406, 409, 120 (B) read with Section 34 of the Indian Penal Code were registered vide Crime No.299/2021.

4. During the pendency of proceeding before the learned Judicial Magistrate, First Class, Court No.1, Nagpur, the applicants and non-applicant no.2 amicably settled their dispute and executed the compromise deed, dated 06.02.2025 (Annexure-IV).

5. In the present case, the offences registered against the applicants are under Sections 420, 406, 409, 120-B of the Indian Penal Code. Out of this, Sections 420 and 406 of the Indian Penal Code are compoundable with the permission of the court, however, Sections 409 and 120-B of the Indian Penal Code are non-compoundable. It is stated that after going through the first information report and the chargesheet as well as other documents available on record, it is clear that the dispute between applicants and non-applicant no.2 is purely a personal one between two contesting parties and that it arose out of extensive business dealings between them and that there is absolutely no public policy involved in the nature of the allegations made against the applicants/accused, therefore, in our opinion, no useful purpose would be served in continuing with the proceedings in the light of the compromise and further

there is no possibility of conviction due to amicable settlement between them.

6. The view taken by us is supported by the judgment of Hon'ble Supreme Court in the case of ***Madan Mohan Abbot .vs. State of Punjab***, reported in (2008) 4 SCC 582, wherein it is observed as under :

5. *It is on the basis of this compromise that the application was filed in the High Court for quashing of proceedings which has been dismissed by the impugned order. We notice from a reading of the FIR and the other documents on record that the dispute was purely a personal one between two contesting parties and that it arose out of extensive business dealings between them and that there was absolutely no public policy involved in the nature of the allegations made against the accused. We are, therefore, of the opinion that no useful purpose would be served in continuing with the proceedings in the light of the compromise and also in the light of the fact that the complainant has, on 11th January 2004, passed away and the possibility of a conviction being recorded has thus to be ruled out.*

6. *We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts,*

grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

7. After issuing notices to the non-applicants, non-applicant no.2 filed an affidavit, dated 20.03.2025 and stated on oath that the matter has been amicably settled between them and he has no objection if the pending proceedings are quashed and set aside.

8. The applicants and non-applicant no.2 are present before the court through video conference. The applicants and non-applicant no.2 were identified by their respective advocates. The non-applicant no.2 stated that he has no objection to quash and set aside the criminal proceeding pending against the applicants in view of settlement arrived between them in the matter.

9. In view of this factual and legal position and the settlement between the parties, we proceed to pass the

following order :

ORDER

(i) Application is allowed.

(ii) Regular Criminal Case No.3752/2024

pending before the learned Judicial Magistrate, First Class, Court No.1, Nagpur for the offence punishable under Sections 420, 406, 409 and 120-B of the Indian Penal Code, 1860 against the applicants arising out of the First Information Report/Crime No.299/2021, dated 08.07.2021, registered with Police Station Ganeshpeth, Nagpur and subsequent Chargesheet No.90/2024, dated 07.10.2024, is hereby quashed and set aside.

(iii) Rule is made absolute in the above terms.

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)