



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

Criminal Application (APL) No. 645 of 2020

Vishnu S/o Haribhau Bhoj,
Aged about 67 Years, Occu. Retired
R/o Plot No. 151, Sangam Talkies Road, Near
Mayur Mangal Karalaya, Ganesh Nagar,
Cement road, Nagpur

... Applicant

// VERSUS //

1. State of Maharashtra through Commissioner of Police, Nagpur
2. State of Maharashtra through Police Station Kotwali, Nagpur
3. Rakesh S/o Suresh Agrawal,
Aged about 42 years, Occ. Advocate
R/o C/o Shiram Tadekar, 1st Floor, Near Taori
Hospital, Nandanvan, Nagpur

... Non-applicants

Shri Prashant S. Verma, Advocate for the applicant.
Ms. Shamsi Haider, APP for the non-applicant no.1/State.

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

DATED : 22nd APRIL, 2025.

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

Rule. Rule is made returnable forthwith. By consent of the learned counsel for the parties, the matter is taken for final disposal.

2. By this application filed under Section 482 of Code of Criminal Procedure, the applicant came with the submission that the non-applicant no.3 and his wife were living with their two children in the rented premises of the applicant. In the month of July, 2019, they had vacated the rented premises and shifted to new rented house. However, they have not removed some household articles from the rented premises. As such, on this ground, there was a dispute between applicant and non-applicant no.3.

3. Non-applicant no.3 filed application under Section 156(3) of the Code of Criminal Procedure before the learned Judicial Magistrate First Class Court No.8, Nagpur, seeking direction against Kotwali Police Station to register the offence against the present applicant/landlord on the count that, applicant has illegally removed the articles and not returned the same back to them. On the basis of order of Magistrate, the offence came to be registered against the applicant/landlord under Section 453 of the Indian Penal Code.

4. That the applicant after registration of the offence obtained anticipatory bail from learned District and Additional Sessions Judge,

Nagpur. Non-applicant no.3 being aggrieved by the order of granting bail, filed criminal Writ Petition bearing no. 1118 of 2019 against the applicant and others. By the said petition, he had prayed for directions to change the investigating agency and further direction to add offence of threatening, house trespass, extortion etc. against the present applicant.

5. During the pendency of said writ petition, the matter was referred to the Mediator as both the parties were ready to negotiate the matter. As such, the matter was amicably settled between applicant and non-applicant no.3 on certain terms and conditions. Accordingly, in presence of Mediator, agreement of settlement was executed between them. The same is available on record as [Annexure-III (page 28)] of the application.

6. As per the terms and conditions of said settlement, the non-applicant no.3 agreed to withdraw the criminal proceedings initiated against the present applicant vide First Information Report No. 0313 of 2019 registered with Police Station Kotwali, Nagpur City under Section 453 of the Indian Penal Code.

7. During pendency of the present application, the non-applicant no.3 appeared in the matter and by his affidavit dated 25th January, 2021 stated that the dispute has been amicably settled and therefore he is not willing to prosecute the criminal proceedings lodged at his instance.

8. In the present case, it is an admitted fact that the dispute between the applicant and non-applicant no.3 is arising out of rented premises. The said dispute is predominantly of civil character and between private individuals. As per the law laid down by Hon'ble Supreme Court of India in the case of Narinder Singh and others Vs. State of Punjab and another reported in 2014(6) SCC 466, it is held that in the case where the issue is predominantly of civil character and between private individuals wherein both the parties have resolved their entire dispute among themselves, then such amicable settlement should be accepted for ends of justice.

9. In that view of the factual as well as legal position, we have no hesitation to accept the terms of settlement arrived between the applicant

and non-applicant no.3 in Criminal Writ Petition No. 1118 of 2019. In view of aforesaid reasons, we proceed to pass the following order.

ORDER

- i. Criminal application is allowed
- ii. The First Information Report bearing No. 0313 of 2019 dated 30th November, 2019 registered with Kotwali Police Station, Nagpur under Sections 453 and 380 of the Indian Penal Code is hereby quashed and set aside against the applicant-**Vishnu S/o Haribhau Bhoj**.

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

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]