



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

CRIMINAL APPLICATION [APL] NO.947 OF 2024

Raghavendra s/o Devendrappa,  
Aged about 42 years,  
R/o. 7, Ground Floor,  
6<sup>th</sup> Cross Annayappa Layout,  
Sanjaynagara Banglore,  
Karnataka-560094.

.. Applicant

.. Versus ..

1. State of Maharashtra,  
Through PSO Ramnagar Police Station,  
Chandrapur, Tah. & Distt. Chandrapur.

2. Arvind s/o Premnath Dudhe,  
Aged about 40 years,  
Occupation-Service,  
R/o. Naginabag, Sister Colony,  
Chandrapur.

.. Non-Applicants

.....  
Mr. A.A. Naik, Senior Advocate assisted by Mr. Tejas Deshpande,  
Advocate for Applicant.

Mr. A.B. Badar, Additional Public Prosecutor for Non-Applicant  
No.1/State.

None for Non-Applicant no.2 though served.

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CORAM : ANIL S. KILOR AND  
PRAVIN S. PATIL, JJ.

DATED : APRIL 02, 2025.

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

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

2.           By the present application, the applicant is seeking to quash and set aside the criminal proceeding bearing Special Case No.23/2024 pending before Sessions Court, Chandrapur arising out of Crime No.874/2023 dated 31.07.2023 and Final Report No.84/2024 dated 07.02.2024 for the offences registered under Sections 420 and 409 r/w 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

3.           It is the case of the prosecution that the informant/non-applicant no.2 lodged police report by alleging that the accused no.1 Rangraj informed him about the investment scheme introduced by Raaz Winery where he could get two times returns of the amount invested by him. Accordingly, informant started investing the amount and he also get returns from the investment, but subsequently under

the scheme informant did not receive the returns of the amount invested by him. Therefore, he time and again made enquiry and found that the informant has been cheated at the hands of the applicant and, therefore, lodged complaint against the company namely Raaz Winery LLP and its partners. On receipt of complaint, offence came to be registered under Section 420 r/w 34 of the Indian Penal Code in the matter. The Investigating Officer on 07.02.2024 filed chargesheet against the applicant in the capacity of Partner of Raaz Entertainment Company.

4. The present applicant, while challenging the criminal proceeding registered against him, pointed out from the record that the present informant on 02.02.2024 requested the Investigation Officer for withdrawal of allegations and complaint registered vide Crime No.874/2023. As per the informant, he realised that due to pandemic of Covid-19 lockdown, there was a delay on the part of the company in making returns, but the same has been cleared and accordingly he remains no grievance against the company. In support of his complaint, he has also filed affidavit dated 02.02.2024 and specifically stated that the present applicant and his agents have fulfilled all financial obligations and cleared all outstanding dues. As such, there is no amount outstanding in the matter. Hence, he do

not want to prosecute the present applicant and want to withdraw all the allegations levelled against the applicant.

5. On the point to accept the affidavit of non-applicant no.2 and quash the criminal proceeding against applicant, counsel for applicant relied upon the judgment of Hon'ble Supreme Court of India in the case of *Narinder Singh and others .vs. State of Punjab and others, reported in 2014 (6) SCC 466*, to state that in the criminal cases having overwhelmingly and predominantly civil character and particularly those where parties have reached to the settlement for quashing criminal proceeding in those cases to prevent abuse of process of court by exercising the powers under Section 482 of the Code of Criminal Procedure and quash and set aside the criminal proceeding.

6. It is further pointed out from the judgment of *Padam Singhanian and others .vs. State of Maharashtra and others*, reported in *2014 SCC OnLine Bom 2731* and *Doughlas Saldanha and another .vs. State of Maharashtra and others*, reported in *2022 SCC OnLine Bom.4721*, the coordinate bench in somewhat identical factual situation, by relying upon the judgment of *Narinder Singh and others* (supra), has taken a view that as the issue between the parties is

amicably settled, there is no impediment in quashing the criminal proceeding.

7. Hon'ble Supreme Court of India in the case of ***Madan Mohan Abbot .vs. State of Punjab***, reported in ***(2008) 4 SCC 582***, held that where a dispute is purely a personal one between two contesting parties and same arose out of extensive business dealings between them and there is absolutely no public policy involved in the nature of the allegations made against the accused and where no useful purpose would be served in continuing with the proceedings in the light of the compromise taken place between the parties, observed thus :

*“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.”*

8. Hence, considering the settled principles of law, we are of the considered opinion that as the informant himself made request to the Investigation Officer to withdraw the

complaint stating that he has remain no grievance against applicant as all his issues are amicably settled, we proceed to pass the following order :

**ORDER**

(i) Criminal Application is allowed.

(ii) The proceeding of Special Case No.23/2024 pending on the file of Sessions Court, Chandrapur arising out of Crime No.874/2023 and Final Report No.84/2024 for the offences registered under Sections 420, 409 r/w 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, is hereby quashed and set aside to the extent of applicant only.

9. Rule is made absolute in the above terms.

**(Pravin S. Patil, J.)**

**(Anil S. Kilor, J.)**