



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

CRIMINAL APPLICATION NO.1153 OF 2023

1. Mr. Vibhor s/o Anand Saklani, age 42 years, Occ. Service, r/o Flat No. 804, Tower 1, Sector 103, Daulatabad, Gurugram – 122 006 .

... APPLICANT.

VERSUS

1. State of Maharashtra, Police Station Officer, Police Station Ambazari, Nagpur City, Nagpur.
2. Shirish s/o Narayan Borkar, age 54 years, Occ. Journalist, r/o Yogiraj-A/02/09, Hindusthan Colony, Amravati Road, Nagpur.

... NON-APPLICANT(S).

Shri R.R. Vyas, Advocate for the applicant.
Shri S.S. Doifode, Addl. Public Prosecutor for the State.
Shri Sudhir M. Puranik, Advocate for non-applicant no.2.

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

DATE : 05.05.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

RULE. Rule made returnable forthwith.

2. It is the case of non-applicant no. 2 that he was intending to purchase one plot from the applicant and accordingly, Rs.2 lakhs were paid as a token amount. However, subsequently, the applicant informed that property/flat would be sold for higher amount than what decided between them. As such, non-applicant no.2 expressed unwillingness and requested to return the amount of Rs.2 lakh. The applicant refused to pay the same and therefore, the offence under Section 406 of the IPC came to be registered in the matter.

3. Learned Counsel for non-applicant no.2 stated that during the pendency of the application, the matter is amicably settled between the parties and applicant had paid the disputed amount to non-applicant no.2 by Demand Draft towards full and final settlement.

4. Applicant and non-applicant no.2 in support of the fact that matter is amicably settled out of the Court, filed their individual affidavit on record. As such, non-applicant no. 2 has remain no grievance against the applicant and willing to withdraw all allegations against the applicant.

5. The Hon'ble Supreme Court in the case of ***Narinder Singh and ors. vs. State of Punjab and ors. (2014) 6 SCC 466***, has held that in the cases where the question involved is of financial dispute between

individual persons and no public policy is involved then it is advisable to accept the amicable settlement.

6. In view of the above legal position and amicable settlement between the parties, continuation of prosecution against the applicant would be abuse of the process of law. Accordingly, we pass the following order :

- (a) The Criminal Application is allowed.
- (b) R.C.C. No. 3913 of 2022 pending on the file of the Chief Judicial Magistrate, Nagpur arising out of First Information Report No.209 of 2019 registered with Ambazari Police Station, Nagpur City for the offence punishable under Section 406 of the Indian Penal Code, is hereby quash and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

Trupti