



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

CRIMINAL APPLICATION NO.1717 OF 2024

1. Hitesh s/o Rajendra Vaswani, aged 33 years, Occ. Business, R/o House No. 603-A/31, Chitnavis Layout, Byramji Town, Nagpur – 440013
2. Ajay s/o Rajdnera Vaswani, aged : 37 years, Occ. Chartered Accountant (CA), R/o House No. 603-A/31, Chitnavis Layout, Byramji Town, Nagpur - 440013

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Sadar Police Station, Nagpur – 44 0001
2. Nitish s/o Aml Kumar Majumdar, aged : Major, Occ. Service, r/o 403, Ramnath City, A-Building, Koradi, Nagpur.
3. Ujjivan Small Finance Bank Limitd, A Small Finance Bank formed under the Companies Act, 2013, having its Branch at Ground Floor, House No. 603-A/31, Chitnavis Layout, Byramji Town, Nagpur – 440013.

... NON-APPLICANT(S).

AND

CRIMINAL APPLICATION NO.1718 OF 2024

1. Suresh s/o Danchandji Vaswani, aged : 68 years, Occ. Retired, R/o Tata Capitol Heights, Medical Square, Nagpur.

Though Power of Attorney Holder Shri Navin Suresh Vaswani, R/o Tata Capitol Heights, Tower 1, Medical Square, Nagpur – 440003

2. Navin s/o Suresh Vaswani, aged : 37 years, Occ. Business, R/o Tata Capitol Heights, Tower 1, Medical Square, Nagpur – 440003

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Sadar Police Station, Nagpur 440001
2. Dr. Rajendra s/o Danchand Vaswani, aged 64 years, Occ. Doctor R/o House No.603-A/31, Chitnavis Layout, Byramji Town, Nagpur – 440013
3. Nitish s/o Amalkumar Majumdar, aged : Major, Occ. Service, r/o 403, Ramnath City, A-Building, Koradi, Nagpur.
4. Ujjivan Small Finance Bank Limitd, having its office at House No. 603-

A/31, Chitnavis Layout, Byramji
Town, Nagpur – 440013

... NON-APPLICANT(S).

Criminal Application No.1717 of 2024

Shri Mathew Willson, T. Advocate for the applicants.

Shri N.H. Joshi, Addl.PP for the State.

Shri D.R. Vyas, Advocate for non-applicant no.2.

Shri S.M. Bhagde, Advocate for non-applicant no. 3.

Criminal Application No.1718/2024.

Shri Mathew Willson, T. Advocate for the applicants.

Shri N.H. Joshi, Addl.PP for the State.

Ms Bhavna Pande, Advocate for non-applicant no.2.

Shri D.R. Vyas, Advocate for non-applicant no.3.

Shri S.M. Bhagde, Advocate for non-applicant no. 4.

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

DATE : 29.04.2025.

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

RULE. Rule made returnable forthwith.

2. The matters are taken up for final disposal by consent of both the parties as both the applications are arising out of the same incidence.

3. By these applications the applicants are seeking quashment of charge-sheet bearing R.C.C. No.4520 of 2020 pending on the file of

the Judicial Magistrate First Class, Nagpur arising out of First Information Report No.303 of 2019 registered with the Sadar Police Station, Nagpur and charge-sheet bearing R.C.C. No.2378 of 2020 pending on the file of the Judicial Magistrate First Class, Nagpur arising out of First Information Report No.306 of 2019 registered with the Sadar Police Station for the offence punishable under Sections 294, 323, 324, 341, 506 read with Section 34 of the Indian Penal Code, on the ground of mutual settlement in between the parties.

4. In the present matter, there are counter complaints made on the basis of incident dated 09.07.2019.

5. It is the case of the applicants, that the incident is taken place due to the civil dispute pending between them in the various courts. However, during the pendency of present application, their civil disputes have now been amicably settled. As such, the complainants in both the applications filed their respective affidavits stating that lodging of police report was an outcome of enmity, and misunderstanding between them, and now to maintain cordial relations between them, the matter has been amicably settled and they do not want to prosecute the criminal prosecution against each other.

6. In the case of *Narinder Singh and ors. vs. State of Punjab and ors. (2014) 6 SCC 466* the Hon'ble Supreme Court has laid down certain guidelines for accepting or refusing the amicable settlement between the parties while exercising the powers under Section 482 of the Code of Criminal Procedure. According to the said guidelines, criminal cases arising out of civil dispute in between the individuals, which does not affecting society at large, in that case there is no impediment to accept the plea of compounding the offence based on complete settlement between the parties.

7. Applying the guidelines laid down by the Hon'ble Supreme Court, we are of the considered opinion that both cases are arising out of predominantly civil dispute and offence registered against the applicants. Therefore, the same can be accepted to meet the ends of justice. Furthermore, no fruitful purpose would be served by keeping to continue the criminal proceedings when the matter is already compromised between the parties. In view of the above factual as well as legal position, it is clear that there is no impediment to accept the amicable settlement arrived between the parties and quash and set aside the criminal proceedings registered against the present

applicants. Hence, we pass the following order :

- (a) The Criminal Applications are allowed.
- (b) The Charge-sheet bearing R.C.C. No. 2378 of 2020 pending on the file of 9th Civil Judge, Junior Division, Nagpur arising out of First Information Report No.306 of 2019 registered with the Sadar Police Station, Nagpur for the offence punishable under Sections 294, 323, 324, 506 read with Section 34 of the Indian Penal Code and Charge-sheet bearing No.4520 of 2020 pending on the file of 19th Civil Judge, Junior Division, Nagpur arising out of First Information Report No.303 of 2019 registered with the Sadar Police Station, Nagpur for the offence punishable under Sections 294, 341, 506 read with Section 34 of the Indian Penal Code, are hereby quash and set aside against the present applicants.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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