



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

CRIMINAL APPLICATION (APL) NO.1736 OF 2025

Eknath s/o Dewaji Kinkar and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station Tahsil,
Nagpur, District Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. R. Chakole, Advocate for applicants.

Mr. A. J. Gohokar, APP for non-applicant No.1/State.

Mr. S. M. Bahirwar, Advocate for legal heirs of non-applicant No.2.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

DATED : 14/11/2025

1. Leave is granted to amend the application as to the name of the Police Station.

2. Present application is preferred by the applicants for quashing and setting aside the charge sheet bearing No.46/2016 dated 29.02.2016 and First Information Report in connection with Crime No.241/2013 dated 14.11.2013, registered with Police Station Tahsil, District Nagpur for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code.

3. As per the contention of the applicants, they approached non-application No.2 seeking financial assistance in respect of the proposed transaction concerning agricultural field bearing Survey No.2/1, Mouza Sumthana, admeasuring 3

acres and non-applicant No.2 extended financial help of Rs.20,00,000/-. The non-applicant No.2 deposited Rs.5,00,000/- each in the accounts of applicant Nos.1 and 2 and paid the remaining amount of Rs.6,00,000/- in cash, thereby paid Rs.36,00,000/-. On the basis of the complaint lodged by the non-applicant No.2, who is now dead and his legal heirs are on record vide Crime No.241/2013, which came to be registered with Police Station, Tahsil, Nagpur for the offences under Sections 420, 406 read with Section 34 of the Indian Penal Code.

4. The nature of allegation against the present applicants is that though they have agreed to execute the sale deed in favour of the non-applicant No.2 and obtained the consideration amount, but they have not completed the transaction and the amount paid by the non-applicant No.2 is also not returned back. On the basis of the said report, police have registered the crime against the present applicants.

5. In the meantime, considering the long-standing relationship between the applicants and legal heirs of non-applicant No.2, they arrived at a settlement and they have settled the dispute.

6. The applicant No.2 is present before the Court, whereas the legal heirs of non-applicant No.2 (i) Nirmala wd/o Dhondiram @ Balasaheb Doifode wife of the deceased non-applicant No.2 Balasaheb s/o Dhondiram Doifode and Rahul s/o Dhondiram @ Balasaheb Doifode are present before the Court. They have accepted that the dispute is settled

between them and they do not want to proceed with the criminal complaint filed by them.

7. Though offences are punishable and non-compoundable offence, but in view of the observation of the Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab and another** reported in **MANU/SC/0781/2012** wherein the Hon'ble Apex Court has observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the wrong is basically to the victim but the offender and victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. The High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.

8. In view of the above observation of the Hon'ble Apex Court and considering the fact that there was a

long-standing family relationship between the applicants and the legal heirs of non-applicant No.2 and now they have arrived at a settlement and they do not want to proceed with the criminal proceeding. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order:

ORDER

- (i) The application is **allowed**.
- (ii) The First Information Report in connection with Crime No.241/2013 dated 14.11.2013, registered with Police Station Tahsil, District Nagpur for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code and charge sheet bearing No.46/2016 dated 29.02.2016 in consequent proceeding arising out of the same bearing RCC No.1018/2016 pending before the Judicial Magistrate First Class, Court No.4, Nagpur is hereby quashed to the extent of the present applicants.

The application is disposed of in the above said terms.

(NANDESH S. DESHPANDE, J) (URMILA JOSHI-PHALKE, J)