



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

CRIMINAL APPLICATION (APL) No.377 OF 2024

Amit Navratan Bengani,
Aged about 44 years,
Occupation : Business,
Resident of Sai Guest House P.O.-
Gulab Bagh, Dist – Purnea, Bihar-854 326. : APPLICANT

...VERSUS...

1. The State of Maharashtra,
Through Police Station : Gondia (Rural).
2. Nishant Rajesh Agrawal,
Aged about 35 years,
Occupation : Business,
Resident of Block Bamleshwari Colony,
A, Phulchur, Tajigondiya,
Gondia (Rural), Gondia,
Maharashtra- 441 601. : NON-APPLICANTS

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Mr. Anurag Mankar, Advocate for Applicant.
Mr. N.B. Jawade, Addl. Public Prosecutor for Non-applicant No.1.
Mr. Ravindra Pande, Advocate for Non-applicant No.2.

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CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
RESERVED ON : 03rd SEPTEMBER, 2025.
PRONOUNCED ON : 17th SEPTEMBER, 2025.

JUDGMENT : (Per : Nandesh S. Deshpande)

1. Heard. Admit.
2. Heard finally by consent of learned counsel of both sides.

3. This is an application seeking to quash First Information Report bearing Crime No.475/2022, registered with Police Station Gondia (Rural), District Gondia for the offence punishable under Sections 406, 420, 465, 468 and 471 of the Indian Penal Code. As per the said F.I.R. the informant has lodged a complaint that he has sold broken rice through the applicant to a party from Andhra Pradesh. The said goods were worth of Rs.38,00,000/-. It is the informant's case that despite receipt of goods payment was not made, hence, the offence of breach of trust and cheating. The applicant has approached this Court contending that he is a broker and the transaction was purely of a commercial nature. It is also submitted that a Memorandum of Understanding (MoU) was executed under which the applicant undertook to pay settlement of amount of Rs.27.50 lakhs which he has already paid. This Court vide order dated 12.03.2024 while issuing notice directed that the investigation may go on but charge-sheet shall not be filed without obtaining leave of the Court.

4. Subsequently, the counsel for respondent No.2 put up a proposal that the matter can be referred to mediation. This was recorded by this Court vide order dated 23.07.2024 and subsequently Shri S.V. Purohit, Advocate was appointed as a 'Mediator' by this Court vide its order dated 5th August, 2024. Thereafter, vide order dated 27.01.2025 this Court observed that the matter has been amicably settled between the parties. The mediation report has been

placed before us wherein the conditions for mediation have been mentioned. Both the parties i.e. applicant and the first informant i.e. non-applicant No.2 are present through Video Conference and we have verified from both of them as to whether they are agreeable to the conditions mentioned in the settlement deed. Both of them have stated that they have agreed to the said conditions. Both of the parties have been identified by their respective Advocates.

5. We have heard learned counsel for the applicant.

6. Mr. N.B. Jawade, learned Additional Public Prosecutor for the non-applicant No.1 opposed the application.

7. In view of this, it would be an exercise and futility to continue with the proceedings initiated from F.I.R. bearing No.475/2022, registered with Police Station Gondia (Rural), District Gondia for the offence punishable under Sections 406, 420, 465, 468, 471 of the Indian Penal Code. Hence, we proceed to pass following order :

ORDER

(i) The application stands allowed.

(ii) The F.I.R. bearing Crime No.475/2022 registered with Police Station Gondia (Rural), District Gondia for the offence punishable under Sections 406, 420, 465, 468, 471 of the Indian Penal Code as also Charge-sheet No.209/2025 filed in Regular Criminal Case No.529/2025 is quashed and set aside.

(iii) The application is disposed of.

8. Parties to bear their own costs.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

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