



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

CRIMINAL APPLICATION (APL) NO. 20 OF 2025

Subhash Baldeo Pawar

Vs.

The State of Maharashtra, through its PSO, PS Pusad City, Yavatmal & Anr.

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

Court's or Judge's orders.

Mr. D.I. Jain, Counsel for the Applicant.

Mr. S.A. Ashirgade, APP for Non-applicant No.1.

Mr. Vipul Bhise, Counsel for Non-applicant No.2.

CORAM : ANIL L. PANSARE AND M.M. NERLIKAR, JJ.

DATE : 7th AUGUST, 2025.

CRIMINAL APPLICATION (APPP) NO. 1613 OF 2025

For the reasons set out in the application, the application is allowed. Amendment be carried out forthwith.

2. The application is disposed of.

CRIMINAL APPLICATION (APL) NO. 20 OF 2025

3. The application is for quashing First Information Report registered *vide* Crime No.908/2024 with Police Station Pusad City, District Yavatmal and charge-sheet dated 21/03/2025 for the offence punishable under Sections 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS").

4. Having heard both sides and having gone through the material, particularly FIR, it appears that non-applicant No.2 made an attempt to convert the civil dispute into criminal proceedings. It appears from the FIR that parties entered into the transaction or sale/purchase immovable properties, which

includes exchange of properties. The applicant agreed to pay to non-applicant No.2 and her family sale consideration worth Rs.6.75 crores. Substantial amount was allegedly paid. What was left was payment of Rs.37,00,000/- for which cheques were issued but dishonoured. Accordingly, non-applicant No.2 approached the police station and lodged the report.

5. The parties have now settled the dispute. A joint affidavit of compromise is filed. The dispute has been settled for Rs.61,97,500/-. The applicant has agreed to pay to non-applicant No.2 the said amount. Two demand drafts of the said amount have been given to non-applicant No.2 before the Court, which she agreed and accepted.

6. Thus, the parties have settled the dispute. Non-applicant No.2 is now not interested in prosecuting the proceedings. That being so, continuation of the proceedings will yield no useful result, rather will unnecessarily consume judicious time of the Court and in that sense will only amount to abuse of process of law.

7. Accordingly, we are inclined to quash the FIR and charge-sheet though the offence under Section 318 of the BNS, more particularly when the offence is compoundable at the instance of the informant. Nonetheless, both the parties are responsible for setting law in motion, which resulted into lodging FIR. The Investigating Agency has spent considerable time, which could have been utilized for investigating or preventing other crimes. The Court's time is also spent, which could have been utilized in dealing with the pending matters. The parties should, therefore, pay for the said loss of time.

Accordingly, following order is passed:

ORDER

(i) The application is allowed subject to applicant and non-applicant No.2 depositing Rs.1,00,000/- each with the Court within four weeks from today.

(ii) Upon depositing the aforesaid amount, the application shall stand allowed in terms of prayer Clause (i), which reads thus:

“(i) Allow the application and further may be pleased to quash and set aside the First Informantion Report vide Crime no.908 of 2024 dated 28.12.2024 and chargesheet dated 21.3.2025 vide No.257/25 registered by non-applicant no.1, Police Station, Pusad City, Pusad, Dist. Yavatmal for the offences under Section 318(4) of Bharatiya Nyaya Sanhita, 2023.”

(iii) Out of the amount of Rs.2,00,000/-, Rs.1,00,000/- shall be paid to the Police Welfare Fund, Yavatmal, and Rs.1,00,000/- shall be paid to the Government Pleader's Library, High Court of Bombay, Nagpur.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

Vijaykumar