



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

CRIMINAL APPLICATION (APL) NO. 299 OF 2024

(Siddharth S/o. Devchand Wasnik

Vs.

State of Maharashtra, Thr. Police Station Officer, Hudkeshwar, Nagpur.
& Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. R.G. Nitnaware, Advocate for the Applicant.
Mr. N.H. Joshi, APP for the Non-applicant No.1/State.
Mr. N.V. Fulzele, Advocate for the Non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 09th MARCH, 2026

1. The present Application is preferred by the Applicant under Section 482 of the Indian Penal Code for quashing of the First Information Report in connection with Crime No.702/2023 registered with Police Station Hudkeshwar, District Nagpur for the offence punishable under Sections 406 and 420 of the Indian Penal Code (for short "IPC") and consequent proceeding arising out of the same bearing Charge-sheet No. 166/2024.

2. The crime is registered on the basis of a report lodged by the Non-applicant No.2 on an allegation that, after purchasing of the Truck the Complainant has already paid the entire consideration amount, however, the Applicant has not handed over the possession of the said Truck and thereby duped him. On the basis of the said report Police have registered the crime against the present Applicant.

3. During the pendency of this Application, the parties arrived at a settlement. The affidavit in support of the said contention is filed on record. The contents of the affidavit are verified from the Applicant as well as from the Non-applicant No.2. They have agreed and accepted the terms and conditions of the said settlement. From the recitals of the FIR itself it reveals that the dispute is of a civil nature and now they have already amicably settled the dispute, and therefore, forcing them to proceed with the trial would be an abuse of the process of law.

4. It is further submitted that, the Non-applicant No.2 has not paid the amount but the Company has seized the vehicle.

5. At this stage, the observations of the Hon'ble Apex Court in the case of *Gian Singh Vs. State of Punjab, reported in (2012) 10 SCC 303*, wherein the Court 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 the 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.

6. In view of the above observations, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

i. The Application is **allowed**.

ii. The First Information Report bearing Crime No. 702/2023 registered with Police Station Hudkeshwar, District Nagpur for the offence punishable under Sections 406 and 420 of the Indian Penal Code and consequent proceeding arising out of the same bearing Charge-sheet No. 166/2024 pending before the Judicial Magistrate First Class, Corporation Court No.2, Nagpur, are hereby quashed and set aside to the extent of the present Applicant.

7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)