



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

CRIMINAL APPLICATION (APL) NO. 1435 OF 2025

SHUBHAM AGRAWAL AND ANOTHER
Vrs.
THE STATE OF MAHARASHTRA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. P Vyas a/w Shri H. S. Chitaley, Advocates for applicants.
Shri A. M. Joshi, APP for non-applicant No.1-State.
Shri Nikhil Tekade, Advocate for non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 10/04/2026.

1. Learned counsel for the applicants shall carry out the amendment forthwith.
2. By this application, applicants are seeking quashing of FIR in connection with Crime No.273/2025 registered under Sections 316(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and consequent proceedings arising out of same bearing Charge Sheet No.12/2026.
3. A crime is registered on the basis of report lodged by non-applicant No.2 on an allegation that one of his old friend Mr.Rajendra Kumar Shrivastava was holding high position in Chattisgarh State Power Company was recently retired. On 29/08/2024, applicant No.1 proposed to the complainant that a retired officer from Chattisgarh State Power Company can secure the position of Managing Director in the said company and he is having good connections in the said company and he can secure the

post of Managing Director for the complainant's friend Mr.Rajendra Kumar Shrivastava and on that count, the amount was demanded of Rs.50,00,000/- and also assured the complainant that he will arrange good deals from the said company, if Mr. Rajendra Kumar Shrivastava becomes the Managing Director of the said company. It is further alleged that applicant No.1 introduced the complainant to his sister applicant No.2 who resides at Nagpur. The applicants were successful in securing the complainant's trust and accordingly, the complainant has paid the amount of Rs.25,00,000/- to the applicant No.1 vide bank transfer dated 15/09/2024. The said amount was transferred in the bank account of present applicant No.1 and subsequently, the applicant No.1 has not fulfilled his promise and thereby, duped the complainant.

4. On the basis of said report, police have registered a crime against the present applicants.

5. During the pendency of this application, the parties arrived at a settlement. The settlement terms are placed on record. The applicants are present before the Court through Video Conferencing. The non-applicant No.2 is present before the Court. He has agreed and accepted the terms and conditions of the settlement.

6. Considering the nature of the transaction between the present applicants and non-applicant No.2 and as they have already settled the dispute, the application deserves to be allowed.

7. Admittedly, the offence under Section 316(2) of the BNS, 2023 is a non-compoundable offence considering the nature of application and the offence is not of a grievous and heinous nature.

8. In view of that and view of observations of Hon'ble Apex Court in the case of Gian Singh Vs. State of Punjab and another, reported in 2012(10) SCC 303, 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 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.

9. The application deserves to be allowed. At the same time, considering the transaction which is a commercial in nature, the application deserves to be allowed subject to costs. In view of that, I proceed to pass following order :-

ORDER

- i] The application is allowed.
- ii] The FIR in connection with Crime No.273/2025 registered under Sections 316(2) and 3(5) of the BNS, 2023 is quashed and set aside to the extent of present applicants along with Charge Sheet bearing No.12/2026 subject to costs of Rs.20,000/- by the applicants and Rs.10,000/- by the non-applicant No.2.
- iii] The Non-bailable warrant issued against the non-applicant No.2 is hereby cancelled.
- iv] The order will come into effect after the cost is deposited.
- v] The cost be deposited in the account of 'Public Welfare Account' bearing No. 129712010001014, IFSC Code No. UBINO812978, Union Bank of India, High Court Branch, Civil Lines, Nagpur.

10. The application is disposed of.

[JUDGE]