

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.1249 OF 2016

Dhruv S/o. Rajesh Sood .. Applicant
-Versus-
State of Maharashtra & Anr. ..Respondents

Mr. Akhilesh Singh i/b. Sandeep Singh for applicant
Dr. F.R.Sahikh, APP for State
Mr. Manish Dubey for respondent No.2.

CORAM : V.M.KANADE &
MS.NUTAN D. SARDESSAI, JJ.

DATE : 8th December 2016.

P.C.

1] Heard the learned Counsel for the applicant, learned APP for State and learned Counsel for respondent No.2, original complainant. The original complainant is present in court today.

2] The complainant had filed a complaint against the applicant for offences punishable under section 420 and 34 of IPC. It is alleged that the applicant promised to give the complainant a job in Dubai and on that pretext demanded certain amount from the complainant which was paid to him by the complainant. It is the case of the complainant that he did not receive air ticket for Dubai. Even the period within which he was to

report to Dubai expired. The respondent No.2 submits that he has now received the entire amount and he is working in Mumbai and that he has amicably settled the dispute with the accused. The complainant who is present in court has filed an affidavit in reply to the aforesaid effect. Taking into consideration the above facts we are of the view that the ratio in the judgement of Supreme Court in the case of Narinder Singh Vs. State of Punjab, reported in (2014) 6 S.C.C. 466, will squarely apply to the present case.

3] The applicant No.1 is in custody in respect of one other similar case. Therefore, he is not present before the court. Since the complainant does not wish to pursue the matter any further and since the complainant has received his money with interest and he is now working in Mumbai, we are of the view that this is a fit case where the complaint filed by the complainant can be quashed. The application is therefore, allowed in terms of prayer clause (b). Application is disposed of.

(MS. NUTAN D. SARDESSAI, J)

(V.M.KANADE, J)