

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.747 OF 2015

Yudhishteer T Balani : Applicant.
Versus
State of Maharashtra and anr. : Respondents.

Mr. Y B Dandekar for the Applicant.
Mr. J P Yagnik APP for the Respondent/State.
None for the Respondent No.2.

**CORAM : R. M. SAVANT &
SANDEEP K. SHINDE, JJ.**
DATE : 07th September 2017

P.C.

1 The above Criminal Application has been filed for quashing the FIR No. I-68/2015 registered with the Mira Road Police Station, Thane for the offences punishable under Sections 420 and 506 of the Indian Penal Code.

2 The said FIR had arisen out of the dispute between the Applicant and the Respondent No.2 who had ordered some dress material from the Applicant to the tune of Rs.17500/- and which dress material, according to the Respondent No.2, was not supplied to him.

3 In so far as the amount of Rs.17500/- is concerned, the same has been deposited in the account of the Respondent No.2 by RTGS on 03/03/2015 and in fact further amount of Rs.2500/- has been paid over to the Respondent No.2 on account of the delay in re-payment.

4 None appears for the Respondent No.2, though served.

5 As indicated above, the cause for filing the FIR had arisen in view of the fact that the dress material worth Rs.17500/- which the Applicant was to supply to the Respondent No.2 was not supplied. Having regard to the fact that the said amount of Rs.17500/- plus Rs.2500/- on account of delay in repayment has been credited to the account of the Respondent No.2. The said fact would have a bearing on the relief sought by way of the above Criminal Application. In the said context a useful reference could be made to the judgments of the Apex Court in the matter of Narinder Singh vs. State of Punjab, reported in (2014) AIR SCW 2065 as also the judgment of the Apex Court in the matter of Gian Singh vs. State of Punjab and anr. reported in (2012) 10 SCC 303,. In the facts of the present case as narrated herein above, no useful purpose would be served in continuing with the proceedings relating to the said FIR.

6 Having regard to the factum of repayment having already been made to the Respondent No.2, there is now no impediment in quashing the said FIR. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a). The Applicant to pay costs of Rs.5000/- to be deposited with Kirtikar the Law Library, High Court of Bombay within

four weeks from date and the receipt to that effect to be filed with the Registry of this Court. The above Criminal Application is accordingly disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]