

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 889 OF 2017**

Shri Rahimatullah Manjar Middia

..Applicants

Vs.

State of Maharashtra & Anr

..Respondents

Ms Pranothi B Pawar for the Applicants

Ms Mallika Ingale for the Respondent No.2

Mrs. S. V. Sonawane APP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ**

DATE : 23rd AUGUST, 2017

P.C.

1 By the above Criminal Application the Applicants seeks quashing of the FIR NO.288 of 2017 registered with the Dahisar Police Station under Section 408 of Indian Penal Code, which was lodged at the instance of the Respondent No.2, eventually the employer of the Applicant. It is informed across the bar that the Applicant is in the custody and the subject property i.e. gold has been recovered at the instance of the Applicant as evident from the remand report dated 27-7-2017. In the course of the investigation gold has been seized by the Police and at present is in their custody.

2 The Respondent No.2-Complainant has filed an affidavit sworn on

16-8-2017 before this Court wherein he has stated that he has no objection if the property i.e. gold weighing about 1318.640 grams that has been recovered by police officials is returned to him. In the said affidavit, he has recorded his no objection for quashing of FIR No.288 of 2017 registered with the Dahisar Police Station for the offence under Section 408 of the Indian Penal Code, against the Applicant if the property recovered from the Applicant by the police officials of Dahisar Police Station i.e. gold weighing about 1318.640 grams vide panchnama dated 22-7-2017, is returned to him. The Respondent No.2 is present in Court. He is identified by the Learned Counsel Ms Ingale. He is also identified by his Adhar Card No.450968605998. When put in the box and queried he admits the contents of the affidavit. He states that he has no objection to quash the FIR No.288 of 2017 registered with Dahisar Police Station against the Applicant. Hence considering the facts of the case and the fact that the parties have amicably settled the disputes, in terms of the law laid down by the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr.**², there is no impediment in allowing the above Criminal Application. The above Criminal Application is accordingly allowed in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

3 The Respondent No.2 has applied for the return of the property

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR scw 2065

vide application dated 25-7-2017 before the Learned Magistrate, Mumbai.
The Learned Magistrate is directed to pass appropriate orders within one week from date having regard to the fact that the subject FIR has been quashed by the instant order.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]