

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Writ Petition No.1635 of 2017

- 1) Nadim S/o Saheblal Shaikh,
Age 30 years,
Occupation : Business,
R/o Near Ram Mandir,
Shaikhvada, Newasa,
District Ahmednagar.
- 2) Gulam s/o Gauskha Patel @
Babubhai Mehtabkha Patel,
age 54 years,
Occupation : Service,
R/o Galli No.3, Husain Colony,
Garkheda, Aurangabad. .. **Petitioners.**

Versus

- 1) The State of Maharashtra
Through the Police Station
Officer, Tofkhana Police Station,
Ahmednagar, Dist Ahmednagar.
- 2) Vivek s/o Vijaykumar Nagarkar,
Age 30 years,
Occupation : Business,
R/o Amey Apts, Gulmohar Road,
Savedi, Ahmednagar,
District Ahmednagar. .. **Respondents.**

Shri. Shaikh Mazhar A. Jahardiar, Advocate, for
petitioners.

Shri. S.J. Salgare, Additional Public Prosecutor, for
respondent No.1.

Shri. A.M. Hajare, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 9 AUGUST 2018

JUDGMENT (Per T.V. Nalawade, J.):

1) Leave to amend the petition is granted. Amendment be carried out forthwith.

2) Rule, rule made returnable forthwith. By consent of both the sides, heard for final disposal.

3) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R. No.I-304/2017 registered with Tofkhana Police Station Ahmednagar for offences punishable under section 406, 420, 32 of IPC and also the case filed by police in the said crime bearing R.C.C.No.228/2018 pending in the Court of the learned Judicial Magistrate, First Class, Ahmednagar.

4) The submissions made and the papers of investigation show that the allegations are made mainly

against Nadim, petitioner No.1. Petitioner No.2 is the father-in-law of petitioner No.1. There are allegations that Nadim deceived the first informant by making false representation and thereby collected printer and other electronic items of more than Rs.2.23 lakh and duped him of the amount of Rs.1.83 lakh. Allegation against petitioner No.2 is that petitioner No.2 promised to settle the dispute and he also promised to see that some amount is returned by Nadim. No more allegation is made against petitioner No.2 Gulam.

5) When this Court expressed that the Court is not inclined to give any relief in favour of petitioner No.1, Nadim, learned counsel for the petitioner No.1 submits, on instructions, he wants to withdraw the proceeding filed by Nadim. So, the proceeding of Nadim is disposed of as withdrawn.

6) In view of the aforesaid circumstances, the petition of petitioner No.2 Gulam is allowed. Relief is granted in favour of him. The F.I.R. and the case filed against him bearing R.C.C. No.228/2018 in the Court of

the learned Judicial Magistrate First Class Ahmednagar are hereby quashed and set aside. Rule is made absolute in those terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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