

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1601 OF 2018**

Tushar Madhukar Mahapara & anr. : Petitioners
versus
The State of Maharashtra and anr. : Respondents.

Ms. Tripti R Shetty for the Petitioners.
Mr. V C Ghosalkar for the Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 18th JULY 2018

P.C.

1 The above Writ Petition has been filed for quashing of the FIR and the charge-sheet in C.r. No.392 of 2000 (C.C. No.1338/PW/2015) for the offence punishable under Sections 465, 467, 468, 471, 420, 34 of the Indian Penal Code.

2 The FIR in question is a consequence of the loan obtained by the Petitioners herein on the basis of some alleged forged documents. The forgery alleged pertains to the pay-slips submitted by the Petitioners to the Bank indicating that they were working in the company viz. Midastouch Dine and Enter Mediator Ltd., when in fact they were not. It is not necessary to dilate further on facts as it is revealed that the Petitioners have repaid the entire loan amount and that their account is closed in the year 2002.

3 The learned counsel appearing for the first informant i.e. the Bank

Shri V C Ghosalkar has produced a letter dated 13/06/2018 of the Manager, Legal Section (Recovery Dept.) of the said Bank addressed to him. It is mentioned in the said letter that since the amount involved in the matter is very small and the loan account pertaining to the said matter has been closed by Mr. Tushar M Mapara way back in the year 2002, the bank's higher authorities have decided to consent for quashing the FIR and Chargesheet in C.r. No.392 of 2015 (CC No.1338/PW/2015). The learned counsel for the bank reiterates what has been stated in the said letter dated 13/06/2018.

4 It is required to be noted that the forgery alleged is not of any public document. In view of the said letter of the Bank it is now not necessary to keep the proceedings pending as the same would be an exercise in futility. A useful reference could be made to the judgment of the Apex Court in Narinder Singh & ors v/s. State of Punjab & Anr reported in 2014 AIR SCW 2065, wherein the Apex Court has visualized this kind of situation. The above Writ Petition is therefore required to be allowed and is accordingly allowed in terms of prayer clause (a). In the facts and circumstances of the case, the Petitioners to deposit costs of Rs.10,000/- with the State Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry of this Court. The above Writ Petition is accordingly disposed of.

Laxmikant
Gopal
Chandan

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

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by Laxmikant
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Date: 2018.07.20
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