

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

Criminal Writ Petition No.1212 of 2019

- 1) Rushiraj s/o Suhas Bapat,
Age 41 years,
Occupation : Service with
A.U. Small Finance Bank,
Seven Hill, Aurangabad,
District Aurangabad.
 - 2) Vinod s/o Kakasaheb Thote,
Age 37 years,
Occupation : Service with
A.U. Small Finance Bank,
Seven Hill, Aurangabad,
District Aurangabad.
 - 3) Mahesh s/o Sharad Kulkarni,
Age 44 years,
Occupation : Service with
A.U. Small Finance Bank,
Seven Hill, Aurangabad,
District Aurangabad.
 - 4) Satish s/o Vitthal Gavhane,
Age 40 years,
Occupation : Service with
A.U. Small Finance Bank,
Seven Hill, Aurangabad,
District Aurangabad.
 - 5) Manoj Sahebrao Gaikwad,
Age 33 years,
Occupation : Service with
A.U. Small Finance Bank,
Seven Hill, Aurangabad,
District Aurangabad.
- .. Petitioners.**

Versus

- 1) The State of Maharashtra,
Through Police Station Officer,
Pundlik Nagar Police Station,
Aurangabad, Dist Aurangabad.
- 2) Mahadeo s/o Vikram Wagh,
Age 32 years,
Occupation: Business,
R/o Jai-bhavani Nagar,
Galli No.3, Mukundwadi,
Aurangabad,
Taluka & District Aurangabad. .. **Respondents.**

Shri. Kishore C. Sant, Advocate, for petitioners.

Shri. A.R. Kale, Additional Public Prosecutor, for
respondent No.1.

Shri. C.V. Thombre, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
K.K. SONAWANE, JJ.**

Date: 26 AUGUST 2019

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

- 1) Permission is granted to amend the petition and
correct the name of the police station as Pundlik Nagar
Police Station. Amendment to be carried out forthwith.

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

3) The proceeding is filed for relief of quashing of F.I.R.No.297/2019 registered with Pundlik Nagar Police Station Aurangabad for offences punishable under sections 120-B, 406, 420 of the Indian Penal Code. This Court has carefully gone through the allegations made in the FIR. The petitioners are employees of a bank and the bank had given hypothecation loan for purchasing four wheelers. It appears that from the amount sanctioned the amount of premium for payment of insurance policy was deducted by the bank. Subsequently, the vehicles met with accident but the insurance company did not pay the amount claimed under the policy. Then there was default committed and the vehicles were seized by the bank and they were sold.

4) During arguments it was submitted that the parties have settled the dispute. The informant has filed affidavit to that effect. He has no objection to give the aforesaid relief of quashing of the F.I.R.

5) In view of the nature of dispute and the nature of allegations this Court holds that the relief needs to be given. However some cost needs to be imposed. The petitioners to deposit cost of Rs.10,000/- (Rupees Ten Thousand) and the informant to deposit cost of Rs.5000/- (Rupees Five Thousand) within 10 days from today with High Court Legal Services Sub Committee Aurangabad. Only after deposit of the amount of cost by the petitioners and the informant it is to be presumed that relief in terms of prayer clause (A) is granted. Rule is made absolute in the above terms.

Sd/-
(K.K. SONAWANE, J.)

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

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