

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.724 of 2019

Satish Dinesh Patel .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents

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Mr. Sachin S. Gite for the applicant.
Mr. Bharat Pandey for respondent no.2.

**CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.**

DATED : 2nd JULY 2019

P.C:-

1 The applicant has approached this Court under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report No. 176 of 2019 registered at Satpur Police Station, District Nashik on the basis of the complaint lodged by respondent no.2. Based on the said complaint, an offence punishable under Sections 406 and 420 is invoked and applied against the present applicant and the present applicant is arraigned as accused no.3.

2 During the pendency of the investigation into the said crime, the parties have amicably settled the dispute between themselves and accordingly, an affidavit is filed by

respondent no.2. The complainant has settled the dispute with the accused no.3 and has accordingly filed an affidavit on 24th June 2019, thereby stating that the complaint was filed by him on account of some misunderstanding and he do not intend to prosecute the complaint against the respondent no.3. The said affidavit is taken on record. The complainant/respondent no.2 is present before the Court and he affirms the contents of the affidavit.

3 In such circumstances, since the dispute between the parties is purely of personal nature and do not have any societal impact, we are inclined to quash and set aside the FIR No.176 of 2019 restricting it only to Accused no.3.

Investigation in respect of accused nos.1 and 2 in the aforesaid crime to continue.

4 Accordingly, the Application is allowed and the subject FIR No.176 of 2019 restricting it only to Accused no.3. is quashed and set aside subject to the following :-

- (i) The applicant shall pay costs of Rs.5,000/- to Yashodhan Charitable Trust, Satara (having Registration No. 1895/Satara, Maharashtra, Account No.60245873355 IFSC Code MAHB0000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society. The petitioner shall pay the said costs and produce the

receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as *non-est*.

Subject to the above, Criminal Application stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)