

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1604 OF 2019**

Rahul K. Pandey ... Applicant
V/s.
The State of Maharashtra ... Respondents

Mr. Rameshwar G. Shatalwar for the Applicant.
Mr. K.V. Saste, APP for the Respondent – State.
Ms Neha N. Chhajalane for Respondent No.2.

**CORAM : B.P. DHARMADHIKARI &
N.R. BORKAR, JJ.
DATE : JANUARY 15, 2020.**

P.C.

1] The applicant is present with his advocate. Respondent No.2 is present with her advocate. They are jointly requesting for quashing of FIR which is under sections 419, 420 r/w. section 34 of IPC and sections 66(c) and 66 (d) of Information Technology Act.

2] FIR is registered against present applicant as accused No.3 and one Raj Gupta and Rajesh Kumar as accused Nos.1 and 2.

3] Respondent No.2-complainant has given affidavit giving her no objection. Demand Draft is not handed over to

respondent No.2 and it is to be handed over after the FIR is quashed and set aside.

4] After this dictation, the demand draft is handed over by mother of the applicant to respondent No.2.

5] Learned APP has pointed out that the other accused persons are still not traced out and their whereabouts are not known. Those accused persons had commissioned and operated website through which the innocent persons like respondent No.2 were induced to make payments.

6] The applicant has not given whereabouts of other accused persons. Answer is the applicant is not concerned with those persons.

7] Offence is joint and registered with use of section 34 of I.P.C. against all three. We are, therefore, not inclined to intervene in extraordinary jurisdiction. Accordingly, Writ Petition is dismissed.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)