

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

949 CRIMINAL APPLICATION NO.2036 OF 2020

GAURAV DEEPAK BHARUKA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Shaikh Tarek Mobin, Advocate for the applicant.
Smt. P.V. Diggikar, A.P.P. for respondent No. 1.
Mr. Sartaj H. Pathan, Advocate for respondent no. 2.

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CORAM : **SUNIL P. DESHMUKH AND
N.B. SURYAWANSHI, JJ.**

DATE : 21-09-2021.

ORDER :

1. The applicant / accused No. 1 seeks quashing of F.I.R. at Crime No. 32/2020 registered with Chikalthana Police Station, Aurangabad Rural for the offences punishable under Sections 417, 420 read with Section 34 of the Indian Penal Code, lodged by the second respondent / informant.

2. In short, it is alleged in the F.I.R. that the informant contacted the applicant for taking helicopter on rent at the time of marriage of his son, on 10.02.2019. He paid an amount of Rs.1,00,000/- to accused No. 2. Thereafter an amount of Rs.20,000/- was further paid to accused No.2 for obtaining necessary permissions. From time to time total amount of Rs.1,50,000/- was paid to accused No. 2 and Rs. 50,000/- expenditure was incurred for preparing the Helipad. Though this amount was accepted by accused No.2, the helicopter was not

provided. Therefore, the F.I.R. in question was lodged alleging commission of offences by the accused Nos.1 to 3.

3. The second respondent has appeared and filed his affidavit contending that due to misunderstanding the name of accused No.1 / applicant was involved in the present crime. He has further submitted that it has become clear to him that the applicant / accused No. 1 was not having any connection with the aforesaid crime, and therefore, he has no objection if the proceedings against the applicant / accused No.1 are quashed.

4. The informant and applicant are present in the Court today. They are identified by their respective Advocates. They both confirmed that they have amicably settled the dispute and the informant has no objection for quashing the proceedings against the applicant.

5. Perusal of the F.I.R. reveals that the main allegations are against accused No.2. The present applicant has not accepted any money, and therefore, his involvement in the present crime is not made out from record. The allegations in the F.I.R. prima facie, according to us, essentially make out a civil dispute qua the applicant / accused No.1. Since the matter is amicably settled, we are inclined to allow the present application.

6. The Criminal Application is allowed. The proceedings at Crime No. 32/2020 registered with Chikalthana Police Station, Aurangabad for the offences punishable under Sections 417, 420 read with Section 34 of the Indian Penal Code and charge-sheet

filed pursuant thereto, are quashed and set aside to the extent of applicant only.

7. The applicant and respondent No. 2 shall pay costs of Rs. 10,000/- (Rupees Ten Thousands) each to be deposited with Advocate's Association of Bombay High Court at Aurangabad within a period of four weeks from today.

8. The Criminal Application is disposed of accordingly.

(N.B. SURYAWANSHI, J.)

(SUNIL P. DESHMUKH, J.)

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