

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 585 OF 2021

Harish s/o Devicharan Tiwari
..vs..
State of Maharashtra, thr. P.S.O.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.L. Jaiswal, Advocate for applicant.
Shri I.J. Damle, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 01/12/2021

Heard.

2. Precisely, it was the grievance that the informant's mother-in-law has paid Rs.10 lakhs to co-accused Rajanai Pandey, who was working with Gollecha Housing and Infrastructure Private Limited. The amount was paid for purchasing a flat. It was revealed that co-accused Rajani Pandey has misappropriated said amount and credited the same in the account of her brother i.e. present applicant. During the pendency of this application, applicant shown his willingness to repay entire amount of Rs.10 lakhs. As applicant has deposited Rs.4 lakhs in this Court and handover Demand Draft of remaining amount i.e. Rs.6 lakhs to the informant on behalf of his mother-in-law. The Demand Draft was in the name of Minakshi Madhusudan Nagar on whose behest the report has been lodged.

3. Today, the informant is present and accepted that Minakshi Nagar has received amount of Rs.6 lakhs and therefore, he has no grievance. Further, he requested to disburse the amount of Rs.4 lakhs to him on behalf of his mother-in-law Minakshi Nagar. Applicant has no objection to disburse the amount in the bank account of Minakshi Nagar.

4. It is submitted that as the matter is settled, the parties are approaching this Court for quashing the proceedings. At this stage, it is apparent that entire misappropriated amount of Rs10 lakhs has been refunded. In the circumstance, applicant can be released on pre-arrest bail. Hence the following order :

- (a) The Criminal Application stands allowed and disposed of.
- (b) Ad-interim order dated 07.09.2021 is hereby made absolute upon same terms and conditions.
- (c) Henceforth, the applicant shall attend concerned Police Station as and when called.
- (d) Registry is directed to remit the amount of Rs.4 lakhs with accrued interest, if any, directly in the bank account of Minakshi Madhusudan Nagar. The informant undertakes to provide bank details of Minakshi Nagar and comply all necessary formalities.

5. In case of difficulty, the parties may move to this Court for said purpose.

JUDGE

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