

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 430 OF 2022

Vishnu Ramchandra Bhagwat & Ors.

...Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Mahindra Deshmukh for the Petitioners.

Mr. Amit B. Thorat for Respondent No. 2.

Ms. Aruna S. Pai, PP for Respondent No. 1-State.

**CORAM : PRASANNA B. VARALE AND
SURENDRA P. TAVADE, JJ.**

DATE : 16th FEBRUARY, 2022.

P.C. :

. Heard learned Counsel for the Petitioners, Respondent No. 2 and the learned P.P. for the Respondent-State.

2. The Petitioners have approached this Court for seeking quashment of FIR No. 48 of 2020 registered with Ashta Police Station, Sangli, for the offences punishable under Sections 420, 406, 409 r/w 34 of Indian Penal Code.

3. The facts giving rise in the present petition can be summarized as follows:

On 19th December, 2018 Respondent No.2 along with his friends attended a meeting at Hotel Orchid , Pune with Petitioner Nos. 2 and 3 in respect of investment in “Sankalp Siddhi” Company, Nasik. Petitioner Nos. 2 and 3 informed Respondent No. 2 about various investment schemes of the said company and induced him to invest for higher returns. Respondent No. 2 from time to time invested amount of Rs.16,08,000/- (Rs. Sixteen Lakhs and Eight Thousand only) as per the directions of Petitioners. The company run by Petitioner No. 1 returned an amount of Rs.4,07,700/- (Rs. Four Lakhs, Seven Thousand and Seven Hundred only) to Respondent No. 2, but they did not return an amount of Rs.12,00,230/- (Rs. Twelve Lakhs, Two Hundred Thirty only) to Respondent No. 2 as promised by the Petitioners. In spite of request of persuasion, Petitioner No. 1 failed to repay the amount of Rs.12,00,230/- to Respondent No. 2. Hence, Respondent No. 2 lodged FIR against the Petitioners.

4. During the pendency of investigation, Petitioners and Respondent No. 2 have settled their dispute amicably. Respondent No. 2 has filed an affidavit-in-reply, wherein he admitted that he has settled the financial transaction with the Petitioners amicably and he has no objection for quashing the FIR registered against Petitioners. The affidavit-in-reply of Respondent No. 2 is produced on record and marked “X” for identification. Respondent No. 2 is present before this Court. On specific query put to him, he accepted the contents of affidavit-in-reply. He also stated that he has filed the said affidavit-in-

reply on his own will and wish and without any coercion.

5. Considering the above referred facts, we are of the opinion that continuation of the proceedings arising out of FIR No. 48 of 2020 would be nothing but an act of futility and we are of the opinion that learned Counsel for the Petitioners has made out a case for allowing the petition.

6. In these circumstances and especially in view of the law laid down by the Apex Court in the case of **B.S.Joshi V/s. State of Haryana AIR 2003 SC 1386** we are of the view that no purpose would be served by keeping the criminal proceedings except burdening the Criminal Courts which are pending already overburdened. In that view of the matter and in the interests of Justice, the subject FIR is required to be quashed.

7. In view of the above fact, the petition is allowed in terms of prayer clause (a) and disposed of accordingly.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)