

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

CRIMINAL APPLICATION NO. 247 OF 2017

Omkar Sunil Raut & Others .. Applicants
v/s.
The State of Maharashtra & Another .. Respondents.

Mr. Rupesh A. Zade, for the Applicants.
Mr. J. P. Yagnik, APP for the Respondent-State.
Mr. Vaib hav V. Ugle, for Respondent No.2.

**CORAM: PRASANNA B. VARALE &
S.M. MODAK,JJ.
DATED : 29th APRIL, 2022.**

PC:-

Heard the learned Counsel for the Applicants, learned Counsel for Respondent No.2 and the learned APP for the State.

2 There is an offence against the Applicants-Original Accused under Section 379 of the Indian Penal Code registered with Baramati City Police Station. There is an allegation that Applicants have stolen the TATA Jeep of Respondent No.2 and the FIR No. 119 of 2016 was lodged against the unknown persons. The Applicants were arrested on suspicion and the vehicle was seized from him. He came with the story that in fact he has agreed to purchase that vehicle from Respondent No.2 by entered in to an agreement dated 17th October, 2015. Its copy find in the record.

3 After the seizure of the vehicle by the Police, Respondent No.2 got its return from the concerned Magistrate. There is subsequent

development. The Finance Company has seized that vehicle as Respondent No.2 has not cleared the arrears. Now both the parties are coming with a settlement proposal. Respondent No.2 has confirmed that FIR was filed due to misunderstanding. Both the parties are present today in the Court. Even though, this Court has directed prosecution to verify the antecedents of the Applicants, it could not be verified for want of instructions. When the parties decided to settle the matter, we feel it is appropriate to quash the proceeding by invoking power under Section 482 of the Criminal Procedure Code.

4 In view of the above, following order:-

- (a) Application is allowed.
- (b) FIR No. 119 of 2016 registered with Baramati City Police Station against the Applicants for the offences punishable under Section 379 of the Indian Penal Code, is quashed and set aside.

(S.M. MODAK,J.)

(PRASANNA B. VARALE,J.)