

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

CRIMINAL APPLICATION NO.261 OF 2022

Manish Rajendra Bothra	...	Applicant
Versus		
The State of Maharashtra		
And Another	...	Respondents

Mr. Niranjan Mundargi i/b Soniya Rupani for the Applicant.
Mrs. M.H. Mhatre, APP for Respondent No.1-State.
Dr. Yusuf Iqbal Yusuf a/w Neville Majra, Gyanika Kochar i/b Y & A Legal
for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 10 MARCH 2022

P. C. :

. Heard Mr. Niranjan Mundargi i/b Soniya Rupani for the Applicant, Mrs. M.H. Mhatre, APP for Respondent No.1-State and Dr. Yusuf Iqbal Yusuf for Respondent No.2.

2 During the pendency of the investigation of FIR No.0140 of 2021 registered at Solapur Police Station, the Applicant-accused has settled the dispute with the first informant Khaja Moula Shaikh. The offence was registered under Sections 406, 408, 420, 477-A of the Indian Penal Code. The sum and substance of the allegation is that the first informant was working as Human Resources Manager in Betul Oil Limited, whereas the Applicant-accused was appointed as In-charge of the company. Income Tax Department of Solapur and Bhopal branches have raided the premises of the company. At that time, the Applicant was not present. However, on

night of 20 February 2021, the Applicant along with others have entered into the bungalow, which was sealed and stolen ornaments and cash. He was caught by the Income Tax Department officials. Separate offence was registered at Solapur Taluka Police Station. There was forensic audit conducted of the company. It was revealed that oil was dispatched without preparing invoices. Accordingly, the complaint was lodged against the Applicant & it is registered at FIR No.0140 of 2021 with Solapur Police Station.

3 During the pendency of the said offence, the parties have settled the dispute. They have also entered into Consent Terms. The Applicant has agreed to pay total sum of Rs.29 Crores to the company, i.e. Betul Oil Limited on or before 20 February 2023. Cheques were also handed over by the Applicant. They have agreed that if the amount is not realized, the FIR will revive accordingly. The Applicant has also agreed to pay interest @ 14 per cent per annum from the date of the Consent Terms until the payment. The first informant Respondent No.2 has agreed to co-operate for quashing. A copy of the Consent Terms executed on 10 March 2022 is filed on record. Respondent No.2 also filed an affidavit in support of the said consent terms.

4 It is true that the offence involves misappropriation of a huge amount. Even if the case will proceed, the company will not get the amount. Now the Applicant-accused has agreed to pay that amount and there is consensus amongst both the parties in respect of the quantum of the amount. So no purpose will be served if the prosecution is allowed to be continued. Hence, case for quashing is made out. When the Application was allowed, we already directed the Applicant to deposit a

sum of Rs.5,00,000/- in account of Police Welfare Fund, Solapur within four weeks from and submit a copy of receipt thereof in the office. Hence, Order.

: O r d e r :

- (a) The Application is allowed.
- (b) The FIR No.0140 of 2021 registered at Solapur Police Station for offences under the provisions of Section 406, 408, 420, 477-A of the Indian Penal Code against the Applicant is quashed and set aside.

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
CHITTEWAN
Date: 2022.03.30
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(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)