

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

WRIT PETITION NO. 1005 OF 2022

Ajit Subhash Gaikwad and Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr. Siddharth Kapre for the Petitioners.

Mr. Shahuraj N. Patil i/b. Mr. Vishwajeet V. Mohite for Respondent
Nos. 2 and 3.

Ms. S.D. Shinde, APP for the Respondent-State.

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

DATE : 21ST APRIL, 2022

P.C.:

1. Heard learned counsel appearing for respective parties.
2. The petitioners are before this Court seeking quashment of the first information report bearing Crime No. 422 of 2021 dated 25th August, 2021 registered at Nigdi Police Station, Pimpri-Chinchwad for commission of offences punishable under Sections 420, 306, 506 read with 34 of the Indian Penal Code.

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3. Learned counsel for the petitioners invited our attention to

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copy of the first information report placed on record. It is submitted that the report refers to one Rajesh Jagdishprasad Agarwal and Santosh Ramavtar Agarwal as the prime accused and the petitioners are referred to as accused Nos. 4, 5 and 6. It is also submitted that the allegations against these petitioners are in the latter part of the complaint and it is stated that an amount of Rs. 20 lacs was due and payable from these petitioners to deceased. The first informant is the brother-in-law of deceased. The report was lodged on the submission that the deceased was asking payment of money from accused persons, which was due and payable, on account of some civil construction work and the accused persons were refusing to pay the amount. As the deceased was fed up with this constant denial and was subjected to financial constraints, committed suicide.

4. Learned counsel for the petitioners invited our attention to the order passed by Division Bench of this Court on 17th January, 2022 in Criminal Writ Petition No. 6464 of 2021. The said petition was filed at the instance of Santosh Ramavtar Agarwal and Rajesh Jagdishprasad Agarwal, who are the prime accused.

5. It was submitted before this Court that the first informant/complainant arrived at amicable settlement with these two petitioners and the amount due and payable was repaid to the first informant/complainant. Considering this ground, the petition was allowed. Copy of the order is placed on record at Exhibit D, page No. 51 of the petition. One of us was a member to the said order (Prasanna B. Varale, J.).

6. Learned counsel for the petitioners submitted that in the present matter also parties have settled the dispute amicably and copy of Memorandum of Understanding is placed on record at Exhibit C, page No. 44 of the petition. It is submitted that pursuant to Memorandum of Understanding, the first informant/complainant and the wife of deceased agreed to receive an amount of Rs. 13 lacs as the amount of full and final settlement. Copy of the demand draft is also placed on record at page No. 50.

7. Learned counsel appearing for respondent Nos. 2 and 3 admits this factual position.

8. Considering these facts, we are of the opinion that a case is made out for exercising of powers under Section 482 of the Code of Criminal Procedure so as to secure ends of justice. The petition is allowed in terms of prayer clauses (a) and (b) qua the present petitioners only.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)