

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

CRIMINAL APPLICATION NO. 575 OF 2022

Manoj Gokuldas Manudhune.

...Applicant.

Versus

1. State of Maharashtra.

2. Manjushree Mahesh Karwa.

...Respondents.

Mr. Veer Kankaria, advocate for applicant.

Mr. K.V. Saste, A.P.P for the Respondent – State.

Mr. Anup Lahoti, advocate for respondent No. 2.

***CORAM : REVATI MOHITE DERE &
R.N. LADDHA, JJ.***

DATE : 29th NOVEMBER, 2022

P.C. :

1. Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent No.1–State and learned Counsel Mr. Lahoti waives service on behalf of the respondent No.2.

3 By this application, preferred under section 482 of the Code of Criminal Procedure, the applicant seeks quashing and setting aside of the FIR bearing C.R. No. 416 of 2021, registered with the Baramati Police Station, Pune, for the alleged offences punishable under Sections 420, 504, 506 of the Indian Penal Code. Quashing is sought on the premise, that, the parties have amicably settled their dispute.

4. Perused the papers. According to the Respondent No. 2(original complainant), the applicant is a trader by profession, dealing in sugar. The respondent No. 2 has stated that the applicant's basic work is to book sugar from firms, like the complainant's firm and then, forward the said sugar to other firms and earn commission, from the said transactions. As according to the respondent No. 2, the proprietor of Ganpati Enterprises, though the applicant had given an order of sugar with the respondent No. 2, and the same was dispatched with the truck to the destination given by the applicant, the said truck did not reach the destination. The payment was also not received by the respondent No. 2, nor the sugar was received. Hence, the respondent No. 2 lodged the

aforesaid C.R., as against the applicant. Admittedly, charge-sheet has not been filed till date.

5. During the pendency of the investigation of the aforesaid C.R., the parties amicably settled the dispute. The amount, to be paid by the applicant, to the respondent No. 2 is about Rs. 25 Lakhs. Admittedly, out of the said 25 Lakhs, the applicant has paid a sum of Rs. 15 Lakhs to the respondent No. 2 till date.

6. As far as the balance 10 Lakhs is concerned, the applicant has issued 10 post-dated cheques in favour of the respondent No. 2. The said cheques are payable from 30th April, 2023 to 25th May, 2029, which are as follows :

Cheque No.	Amount	Name of Bank	Date
064293	Rs.1,00,000/-	Central Bank of India, Erandol Branch, Erandol	30.04.2023
064294	Rs.1,00,000/-	Central Bank of India, Erandol Branch, Erandol	05.05.2024
064295	Rs.1,00,000/-	Central Bank of India, Erandol Branch, Erandol	10.05.2024
064296	Rs.1,00,000/-	Central Bank of	15/05/2026

		India, Erandol Branch, Erandol	
064297	Rs.2,00,000/-	Central Bank of India, Erandol Branch, Erandol	20/05/2027
064298	Rs.2,00,000/-	Central Bank of India, Erandol Branch, Erandol	20/05/2028
064299	Rs.2,00,000/-	Central Bank of India, Erandol Branch, Erandol	25/05/2029

7. Learned Counsel for the applicant has tendered an undertaking of the applicant, stating therein, that he will honour all the cheques, as and when, presented by the respondent No. 2 with her banker. The said affidavit/undertaking dated 29th November, 2022 is taken on record. The undertaking given by the applicant is accepted as an undertaking to this Court.

8. The respondent No. 2 has also filed her affidavit. The said affidavit is at page 20 at 'Exh.' B of the application. In the said affidavit, the respondent No. 2 who is the proprietor of Ganpati Enterprises, has stated that the matter has been amicably settled between the parties, and that, she has no objection, for quashing of the FIR, registered at her behest, for the

alleged offences.

9. The respondent No. 2 is present in person. On being questioned, she states that out of Rs. 25 Lakhs, she has received Rs. 15 Lakhs and that 7 post dated cheques have been issued in her favour as disclosed aforesaid. She states that she has no objection for quashing of the aforesaid FIR, subject to the post-dated cheques being honoured by the applicant.

10. Learned Counsel for the respondent No. 2 has tendered a photocopy of the aadhar card of the respondent No. 2, duly attested by her. The same is taken on record. The respondent No. 2 has been identified by her counsel and the Learned APP has verified the original aadhar card of the respondent No. 2.

11. Considering the nature of dispute, the relations between the parties, the amicable settlement between the parties, the affidavit of the respondent No. 2 as well as the affidavit-cum-undertaking of the applicant, there is no impediment in allowing the petition.

12. The petition is accordingly allowed and the FIR bearing C.R. No. 416 of 2021 registered with the Baramati Police Station, Pune , for the aforesaid offences is quashed and set-aside, subject to the condition that all the post-dated cheques, handed over by the applicant to the respondent No. 2 are honoured.

13. Rule is made absolute in the aforesaid terms. It is made clear that even if, there is single dishonour of cheque, the order quashing the proceeding with the consent, will stand recalled, and the FIR will stand restored back to its original file.

14. The Petition is disposed of accordingly.

15. All concerned to act on the authenticated copy of this order.

R.N. LADDHA, J.

REVATI MOHITE DERE, J.