

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3262 OF 2021

Arjun @ Raju Suryakant Shedge ... Petitioner
Vs.
The State of Maharashtra And Ors. ... Respondents

Mr. Arun Rajput, Advocate for the Petitioner.
Mr. Durgesh Rege i/b Subodh Pathak, Advocate for Respondent No.3.
Mr. J. P. Yagnik, APP for Respondent-State.

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

DATE : 2nd May, 2022

P.C. (Per S. M. Modak, J.) :-

1. Heard Mr. Arun Rajput, learned advocate for the Petitioner, Mr. Durgesh Rege, the learned advocate for Respondent No.3 and Mr. J. P. Yagnik, APP for Respondent-State.

2. This is a Petition for quashing. F.I.R. No.318 of 2017 registered with Charkop Police Station, and charge sheet bearing CC No.3284/PS/2017 for the offence punishable under Section 385 of IPC filed against the sole accused. Respondent No.3 is the first informant. The FIR was filed against unknown persons. Sum and substance of the

complaint is that an envelop was dropped on the table of first informant on 19th June, 2017. There was a demand of cash and if it is not given then there was a threat to publish the events of the personal life of first informant. During investigation statements were recorded and involvement of the Petitioner was disclosed. He was arrested and charge sheet is filed against him. However both the parties have decided to settle the dispute. Considering their future life, they have taken the decision and Respondent No.2 has agreed to co-operate for quashing the prosecution. The accused was working in the same company in which the Petitioner was working. There was allegation that they used to interact and they have developed friendship. However, subsequently, the first informant has discontinued friendship and then the incident took place.

3. There is an opposition on behalf of the Learned APP for the reason that involvement of the Petitioner is disclosed and all electronic evidences is collected. Learned APP is right. However the prosecution remain to be continued, no purpose will be served as parties have settled the dispute. We can direct Petitioner to deposit certain amount towards the Police Welfare fund. Hence the Order:-

ORDER

- a) Criminal Writ Petition No.3262 of 2021 is allowed.
- b) C. C. No.3284/PS/2017 for the offence punishable under Section 385 of IPC arising out of FIR No.318 of 2017 is quashed and set aside, subject to deposit of Rs.50,000/- by the Petitioner for Police Welfare Fund, Maharashtra within the period of six (6) weeks from today.
- c) If the amount is not deposited, the prosecution will be revived.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)