

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

WRIT PETITION NO.2642 OF 2022

Dharmender Jile **Singh** ...Petitioner
Versus
1. State of Maharashtra
2. Priyansh Shivprakash Khetan Respondents

Mr.Mukesh Pabari i/b Pabari Legal Associates for the Petitioner.

Ms M. H. Mhatre, APP for State.

Mr.Ramesh Gupta for the Respondent No.2.

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

DATE : 10th 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 APP waives notice on behalf of the respondent no.1-State. Mr. Gupta waives

notice on behalf of the respondent no.2.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R.No.90 of 2021 with the Chitalsar Manpada Police Station, Thane City for the alleged offences punishable under Sections 420, 406, 407, 465, 471 r/w 34 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 petitioner was working as his employee in Eastern Western Roadways Organizations of which the respondent no.2 is the Director. He has further alleged that on 5.8.2018 the petitioner was transferred to the Eastern Western Roadways Organization, Vadodara branch, Gujrat and his main duty was to provide Operational Management at Vadodara and was to report once in a month at respondent no.2's Thane office. According to the respondent no.2, the petitioner sent a message on *Whatsapp* that he

has booked a lorry for transport and had prepared collection memo on behalf of the respondent no.2. Pursuant thereto, the transporter/broker had collected the goods from Gujrat and within the State. It is alleged that the petitioner would regularly send the account details of the transporter/broker, pursuant to which the respondent no.2 would transfer funds, in the petitioner's account. According to the respondent no.2, since, the account did not reveal the correct state of affairs, he lodged an FIR as against the petitioner, Parvat Singh and Sanjay Singh.

5. It appears that during the pendency of the aforesaid proceeding, the parties amicably settled their dispute, in as much as, the petitioner re-paid a sum of Rs.3,50,000/- to the respondent no.2.

6. Respondent no.2 has filed an affidavit giving his consent to the quashing of aforesaid C.R., *qua* the petitioner. The said affidavit dated 13.7.2022, is duly notarized before the Notary. The said affidavit is at page no.32 of the petition. In the said affidavit, the

respondent no.2 has stated that the petitioner was an employee of his Company and that he alongwith other two accused i.e. Parwat Singh Shekhawat and Sanjay Singh had committed the offences of cheating and criminal breach of trust. He has further stated that so far as the petitioner is concerned, he has re-paid the amount due from him i.e. Rs.3,50,000/-. He has stated that in view of relationship between the parties i.e. of an employee and employer, he has no objection to quashing of the case only *qua* the petitioner, since the petitioner has repaid the amount of Rs.3,50,000/-. Respondent no.2 is present in person. On being questioned, he reiterates what is stated by him in the affidavit. Respondent no.2 has been identified by his Counsel. Learned Counsel for the respondent no.2 has tendered a xerox copy of the Aadhar Card of the respondent no.2 duly attested by him. Same is taken on record. Learned APP has also verified the original Aadhar Card of respondent no.2.

7. Considering the nature of the dispute, the amicable settlement between the parties, the affidavit of respondent no.2 and

having regard to the judicial pronouncements, there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the F.I.R. vide C.R. No.90 of 2021, registered with Chitalsar Manpada Police Station, Thane City, is quashed and set aside only *qua* the petitioner.

9. The petitioner to deposit a sum of Rs.5,000/- with the Mumbai Police Welfare Fund bearing Account No.465010100008693, IFSC No.UTIB0000465, as costs. The said cost to be deposited within three weeks from today.

10. Needless to state that the quashing is subject to the petitioner depositing the cost, as stated aforesaid.

11. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

12. The matter be listed on **12th December 2022**, for recording compliance of the said deposit of cost.

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

R.N.LADDHA, J.

REVATI MOHITE DERE, J.