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

CRIMINAL APPLICATION NO.940 OF 2022

1. Ayush Manoj Mehra ...
2. Manoj Lallitkumar Mehtra ... Applicants

Versus

1. State of Maharashtra ...
2. Prakash Ratilal Shah ... Respondents

Mr. Amey Deshpande i/b Mr. Lokesh Zade for the Applicants.

Mr. J. P. Yagnikl A.P.P for the Respondent No.1-State.

Ms. Vidhi Sutar i/b G. P. & Associates for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
S.M. MODAK, JJ.**

DATE : 12TH OCTOBER 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 notice on behalf of the respondent No.1-State. Ms. Vidhi Sutar, learned counsel waives notice on behalf of the respondent No.2.

3 By this application, the applicants seek quashing of the FIR bearing C.R. No. 66 of 2022, registered with the Dadar Police Station, Mumbai, for the alleged offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.

4 Quashing is sought on the premise, that the parties have amicably settled their dispute.

5. Perused the papers. According to the respondent no.2 (original complainant), being in the business of garment manufacturing, the applicant no.1 visited the exhibition in which the respondent no.2 participated and showed his interest in purchasing garments, from the respondent no.2's firm. He has further stated that from July 2019 to December 2019, the respondent no.2 provided goods as per the purchase orders placed by the applicants, amounting to Rs.65,19,812/-, and that

payment were made by the applicants for the same, in instalments.

6. According to the respondent no.2, sometime in January 2020, the applicant again placed orders from January 2020 till March 2020, for an amount of Rs.25,59,354/-, and accordingly, the respondent no.2 provided garments, as per the said purchase order. He has further stated that the applicant, however, failed to make the said payment of Rs.25,59,354/-, despite repeated reminder and despite raising invoices. Pursuant thereto, the respondent no.2 filed the aforesaid C. R., with the Dadar Police Station, Mumbai. It appears that charge-sheet has not been filed, till date.

7. In the interregnum, during the pendency of the aforesaid C. R., the parties amicably settled their dispute and as such paid the entire amount i.e. Rs.25,59,354/- in June 2022. The same is not dispute by the learned counsel for the respondent no.2.

8. Learned counsel for the respondent no.2, has tendered an affidavit of the respondent no.2, dated 1st August 2022, duly affirmed before the Assistant Registrar, High Court, Mumbai. The same is taken on record. Learned counsel for the respondent no.2 has also tendered a xerox copy of the adhar card of the respondent no.2, duly attested by him. The same is also taken on record. In the said affidavit, tendered by the respondent no.2, the respondent no.2 has stated that he has received an amount of Rs.20,00,000/- from the applicant in June 2022, and Rs.5,59,000/- by cash in June 2022. He states that in view of the payment received by him, he does not wish to pursue the case, as against the petitioner. The respondent no.2 is present in person and he reiterates what is stated by him in his affidavit. He is identified by his counsel and the learned APP has verified the original adhar card.

9. Considering the nature of dispute, the amicable settlement between the parties, the affidavit of the respondent no.2 evidencing receipt of payment made by the applicant to

him, and having regard to the judicial pronouncements of the Apex Court in ***Gian Singh vs. State of Punjab & Anr.***¹ and ***Narinder Singh & Ors. vs. State of Punjab & Anr.***², there is no impediment in allowing the petition.

10. The application is accordingly allowed and the FIR, bearing C.R. No. 66 of 2022 registered with the Dadar Police Station, Mumbai, is quashed and set-aside.

11. The applicant to deposit an amount of Rs.25,000/- as cost with the **Mumbai Police Welfare Fund bearing Account No.465010100008693, IFSC No.UTIB000465**, as well as the respondent no.2 to also deposit cost of Rs.25,000/- with the **Mumbai Police Welfare Fund bearing Account No.465010100008693, IFSC No.UTIB000465**, within three weeks from today.

12. Needless to state, that the said order of quashing is

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

subject to the order of deposit by the respective parties, as stated aforesaid.

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

14. Matter be listed on **14th November 2022**. under the caption “for recording compliance” of the order of deposit.

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.