

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 948 OF 2022

1. Jay Ashok Talreja
 2. Vritika Jay Talreja
 3. Savia Fernandes
 4. Jeeva Ramchandra Munecha
 5. Shainaz Ansari
 6. Sneha Mygiri alias Sneha Tiwari
- ...Applicants

Versus

1. The State of Maharashtra
 2. Parag Binani
- ...Respondents

Mr. Hrishikesh Mundargi i/b Ms. Swarali Joglekar for the Applicants.

Mr. J.P.Yagnik, A.P.P for the Respondent-State.

Mr. Sushil Upadhyay i/b Mr. Ashok M. Saraogi for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
DATE : 18th 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. Mr. Sushil Upadhyay waives notice on behalf of the respondent No.2.

3. By this application, the applicants seek quashing of the FIR bearing C.R. No. 228 of 2020 registered with the Santacruz Police Station, Mumbai, for the alleged offence punishable under Sections 406, 408, 420, 465, 467, 468, 471, 504, 506, 323 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, he and the applicant No.1 were partners of a firm, by the name M/s Fabulous Cars. The applicant No.2 is the wife of the applicant No.1 and the applicant Nos.3 to 6 are the employees of the said firm. The respondent No.2 (original complainant) has alleged that the applicants had misused his cheques and forged his signature and thereafter, siphoned of funds to their own accounts. Pursuant to the same, the respondent No.2 lodged the aforesaid C.R. alleging the aforesaid

offences.

5. In the interregnum, pending the registration of the aforesaid offences, the parties amicably settled their dispute and entered into an MOU dated 11th July, 2022. The said MOU is at 'Exhibit – B' on page 18 of the aforesaid application.

6. Learned Counsel for the respondent No.2 has filed an affidavit of the respondent No.2 dated 16th September, 2022, duly affirmed before the Notary. Alongwith the said affidavit, 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. The same is also taken on record. In the said affidavit, the respondent No.2 has stated that the dispute has been amicably settled by him in respect of his share in to the partnership and thus, he does not wish to continue with the FIR lodged by him.

7. Respondent No. 2 is present in Court. On questioning, he re-iterates what is stated by him in his affidavit, that he has no

objection for quashing of the FIR, bearing C.R. No. 228 of 2020 registered with the Santacruz Police Station, Mumbai. The respondent No.2 has been identified by his Counsel.

8. Learned APP has also verified the original aadhar card.

9. Considering the aforesaid, the nature of allegations and nature of dispute between the parties, the amicable settlement between them, the affidavit of the respondent No.2 and the judicial pronouncements in this regard, there is no impediment in allowing the application.

10. The application is accordingly allowed and the FIR bearing C.R. No. 228 of 2020 registered with the Santacruz Police Station, Mumbai and consequently, the proceeding arising therefrom, are quashed and set-aside.

11. Applicant No.1 to deposit a costs of Rs.50,000/- , with the

Mumbai Police Welfare Fund bearing Account No. 465010100008693, IFSC No. UTIB0000465. The said costs to be deposited within four weeks from today.

12. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

13. It is made clear that the aforesaid C.R. is quashed subject to the applicant No.1 depositing the said costs.

14. Matter to be listed for recording compliance of the order of deposit on **29th November, 2022.**

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.