

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 953 OF 2022

Raujesh Dhakkad

...Applicant

Versus

1. The State of Maharashtra

2. Paras G. Rathod

...Respondents

Mr. Neeraj Yadav for the Applicant.

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

Mr. Prateek Surti for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
DATE : 20th 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. Prateek Surti

waives notice on behalf of the respondent No.2.

3. By this application, the applicant seeks quashing of the FIR bearing C.R. No. 49 of 2022 registered with the L. T. Marg Police Station, Mumbai, for the alleged offences punishable under Section 392, 341, 342 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 incident took place on 4th March, 2022. He has alleged that the applicant took Rs.15,00,000/- from him by using force with the help of two unknown persons. Pursuant to the said incident, the respondent No.2 lodged the aforesaid C.R. Pursuant to the registration of the aforesaid FIR, the parties who are inter-se related, amicably settled their dispute.

5. Learned Counsel for the respondent No.2 states that an affidavit of the respondent No.2 has been filed in the Registry of this Court. However, the said affidavit is not on record and hence, learned

Counsel for the respondent No.2 has tendered a xerox copy of the said affidavit filed by the respondent No.2. The said xerox copy is taken on record. The said affidavit is dated 10th August, 2022, duly affirmed before the notary. In the said affidavit, the respondent No.2 has stated that the applicant is his relative and that they have business relations and that the incident took place pursuant to a business transaction between them. He has stated that the dispute has been amicably settled between him and the applicant. He has further in para 3 stated that he had written a letter dated 9th March, 2022 through his advocate, to the respondent No.1 i.e. the Inspector, L.T.Marg Police Station, recording the said fact i.e. of settlement of the dispute between the parties. In para 4, the respondent No.2 has stated that he does not have any grievance as against the applicant and that the said C.R. has been filed out of rage. He has further stated that he does not know why Section 392 has been applied in this case and that he has no objection to the quashing of the case.

6. The respondent No.2 is present in person. He states that

he has received the entire amount which was taken by the applicant from him. Learned Counsel for the respondent No.2 has tendered a self attested xerox copy of the aadhar card of the respondent No.2. The same is taken on record. The respondent No.2 re-iterates what is stated by him in his affidavit, that he has no objection for quashing of the FIR bearing C.R. No.49 of 2022 registered with the L.T.Marg Police Station, Mumbai.

7. Respondent No.2 has been identified by his lawyer and the learned APP has verified the original aadhar card.

8. In the facts, no offence under Section 392 is disclosed. The incident is an out-come of a commercial dispute between the parties.

9. Considering the nature of dispute, the relations between the parties and the amicable settlement between them, there is no impediment in allowing the application.

10. The application is accordingly allowed and the FIR bearing C.R. No. 49 of 2022 registered with the L.T. Marg Police Station, Mumbai and consequently, the proceeding arising therefrom, are quashed and set-aside.

11. The applicant to deposit a sum of Rs.25,000/-, with the **Mumbai Police Welfare Fund bearing Account No. 465010100008693, IFSC No. UTIB0000465**, as costs. The said costs to be deposited within four weeks from today.

12. Needless to state, that the aforesaid order of quashing of the case, is subject to the applicant depositing Rs.25,000/- with the Mumbai Police Welfare Fund.

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

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

15. Stand over to 5th December, 2022 for recording compliance of the said order of deposit.

S. M. MODAK, J.

REVATI MOHITE DERE, J.