

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

**CRIMINAL APPLICATION NO. 918 OF 2022
(Sr. No. 28)**

Aniket Madhavrao Khalkar ...Applicant
VS.
1. The State of Maharashtra
2. Santosh Shankar Gupta ...Respondents

**WITH
CRIMINAL WRIT PETITION (ST) NO. 16440 OF 2022
(Sr. No. 54)**

Harshal Rajaram Kharabi ...Petitioner
VS.
1. The State of Maharashtra
2. Shri Santosh Shankar Gupta ...Respondents

Mr. Shailesh Kharat - Advocate for the Applicant
Mr. Shailesh Chavan - Advocate for the Petitioner
Mrs. P. P. Shinde - APP for the Respondent-State
Mr. N. S. Khedkar - Advocate for the Respondent No. 2 in
both the application and petition.

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

DATE : 03rd OCTOBER, 2022

P. C. :-

1. Heard learned counsel for the parties in the

application and petition.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and the application/petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the Respondent No.1-State and Mr. N. S. Khedkar waives notice on behalf of the Respondent No.2 in the application / petition.

3 By this application/petition, preferred under Section 482 of the Criminal Procedure Code, the Applicant/Petitioner seek quashing of the F.I.R., bearing C.R. No. 122 of 2022 registered with the Chakan Police Station, Pune, for the alleged offences punishable under Sections 384, 385, 386, 387 r/w 34 of the Indian Penal Code. Quashing is sought on the premise, that the Applicant/Petitioner and Respondent No. 2 have amicably settled their dispute.

4 Perused the papers. From a perusal of the F.I.R. as well as documents annexed to the aforesaid

application/petition, it appears that the dispute relates to a commercial transaction between the Applicant/Petitioner and the Respondent No. 2 (original complainant). Learned counsel for the Applicant/Petitioner states that in the future, the Applicant/Petitioner wants to continue his business relations with the Respondent No. 2 and the Respondent No. 2 also wants to continue his business relations with the Applicant/Petitioner. It appears that charge-sheet has not been filed.

5 Learned counsel for the Respondent No. 2 has tendered an affidavit dated 03/10/2022 of the Respondent No. 2 duly affirmed before the Assistant Registrar, High Court, Appellate Side. The said affidavit is taken on record. From the said affidavit, it appears that the Respondent No. 2 had lodged the F.I.R./complaint, due to some misunderstanding. He has stated that the relations between him and the Applicant/Petitioner are very cordial and that there is no dispute between them and that the Applicant/Petitioner never threatened and demanded any

money from him. He has stated that the infact, he had filed an affidavit before learned Sessions Judge stating, that he did not understand Marathi and was not explained the contents of the F.I.R.. In the said affidavit, he has stated that he has no objection for quashing of the F.I.R..

6 Learned counsel for the Respondent No. 2 has tendered a xerox copy of the Aadhar Card of the Respondent No.2 duly attested by the Respondent No. 2. The same is taken on record. Learned Counsel for the Respondent no. 2 has identified the Respondent No. 2 and the learned APP has verified the original Aadhar card of the Respondent No. 2.

7 Having regard to the F.I.R. as well as documents annexed to the Application/Petition, it appears that dispute between the parties, arises out of a commercial transaction i.e. purchase of scrap, between them. Hence, no offences as alleged are disclosed against the Applicant/Petitioner. Be that as it may, even otherwise, the parties have amicably

settled their dispute and the Respondent No. 2 has filed his affidavit stating therein, that out of mis-understanding, the F.I.R./complaint was lodged and as he was not conversant with Marathi. He has further stated in his affidavit, that he has no objection for quashing of the aforesaid F.I.R./Proceedings.

8 Considering the aforesaid, i.e. nature of dispute amicable settlement between the parties, the affidavit of the Respondent No. 2 and having regard to the judicial pronouncements of the Apex Court in the case of **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 application/petition.

9 The application and the petition are accordingly allowed and the FIR bearing C.R. No. 122 of 2022 registered with the Chakan Police Station, Pune is quashed and set-aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

10 Rule is made absolute in the aforesaid terms.
Application/Petition are disposed of accordingly.

11 The Applicant and the Petitioner in the aforesaid Application and Petition, as well as the Respondent No. 2 to pay cost of Rs. 15,000/- each, to the **Maharashtra Police Welfare Fund bearing Account No. 914010029005759, IFSC No. UTIB0000060** within three weeks from today. It is made clear, that this Order quashing the Complaint/ FIR/ Proceeding is subject to the Applicant, Petitioner and Respondent No. 2 complying with the order of deposit of cost within the stipulated period.

12 Stand over to **21/11/2022 for recording compliance of the Order.**

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

[S. M. MODAK, J.]

[REVATI MOHITE DERE, J.]