

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

CRIMINAL WRIT PETITION NO.3566 OF 2022

Pritam Rajendragir Gosavi

...Petitioner

Versus

1. The State of Maharashtra

2. Ramrao Baban Rasal

3. Kailash Joginderprasad Shah

...Respondents

Mr. Aabad Ponda, Senior Advocate a/w Mr. Amit Dubey i/b Mr. Jaywant R. Avhad, for the Petitioner.

Mr. K. V. Saste, A.P.P for the Respondent No.1– State.

Mr. Dharmesh Joshi, i/b T. D. Joshi & Associates, for the Respondent No.2.

Police Constable - Amol Laxman Aher, Pimpalgaon Police Station, Nashik Rural, is present.

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

DATE : 11th 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 A.P.P waives

notice on behalf of the respondent No.1–State. Mr. Joshi waives notice on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 75 of 2022, registered with the Pimpalgaon Police Station, Nashik Rural, for the alleged offences punishable under Sections 420, 409, 120B and 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), he was acquainted with the petitioner, a resident of Pimpalgaon, who was running the business of a mobile shop. The respondent No.2 has stated that he used to sit in the said shop and observe people playing online games. He has further alleged that the petitioner informed him, that if he plays online Bingo Roulette, as per his directions, he would get a chance to win rewards in terms of money in a short time, pursuant to which, he started

playing Bingo Roulette in his shop. According to the respondent No.2, he lost money in the said game, pursuant to which, the aforesaid FIR was lodged, as against the petitioner. We are informed that the petitioner has already paid a sum of Rs.1 lakh to the respondent No.2, for the loss that has taken place. We are informed that till date, charge-sheet has not been filed in the said case.

5. Learned Senior Counsel for the petitioner submits that apart from the respondent No.2 (original complainant), no allegations have been made as against the petitioner, that the petitioner induced any other person/persons to play online games. Learned APP also does not dispute the same.

6. During the pendency of the aforesaid C.R., the parties have amicably settled their dispute and the respondent No.2 has received a sum of Rs.1 lakh. The respondent No.2 has filed his consent affidavit dated 15th September 2022, duly notarised before the

notary. In the said affidavit, the respondent No.2 has stated that the dispute has been settled for a sum of Rs.1 lakh and as such he has no objection to the quashing of the aforesaid FIR. Respondent No. 2 is present in Court. On questioning, he re-iterates what is stated by him in his affidavit. He does not dispute having received a sum of Rs.1 lakh from the petitioner. 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. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has verified the aadhar card of the respondent No.2.

7. Learned Senior Counsel has tendered an additional affidavit of the petitioner dated 12th October 2022. The same is taken on record. In the said affidavit, the petitioner has stated that he will not indulge in any gambling activities in the future. He has also stated that nor he will induce any one to gamble. The said statement made by the petitioner in the additional affidavit, is accepted.

8. Considering the nature of dispute, the amicable settlement between the parties, the affidavit filed by the respondent No.2 and having regard to what is stated aforesaid, there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 75 of 2022, registered with the Pimpalgaon Police Station, Nashik Rural, is quashed and set-aside.

10. The petitioner to deposit a sum of Rs.5,000/-, with the **Central Police Welfare Fund bearing Account No. 914010029005759, IFSC No. UTIB0000060,** as costs. The said costs to be deposited within three weeks from today.

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

12. Stand over to 9th December 2022, for recording compliance of the said deposit of costs.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.