

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

CRIMINAL APPLICATION NO. 930 OF 2022

Vinod Ashok Kandari ... Applicant

Versus

1. The State of Maharashtra
2. Kaushik Dinesh Sawant ... Respondents

Mr. Abdul Kedar Millwala for the Applicant.

Mr. Hafizur Rehman for the Respondent No.2.

Mr. Y. M. Nakhwa, APP for the Respondent No.1-State.

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

DATE : 14th NOVEMBER, 2022

P.C. :-

. Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith with the consent of the parties and the application is taken up for final disposal.

Learned APP waives notice on behalf of the respondent no.1-State.

Mr. Hafizur Rehman, learned counsel waives notice on behalf of the respondent no.2.

3. By this application, preferred under Section 482 of the Code of Criminal Procedure, the applicant seeks quashing of the FIR registered vide C.R. No. 746 of 2022 with the L. T. Marg Police Station, Mumbai, for the alleged offences punishable under Sections 406, 420 read with 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 wanted to send money to his uncle at Goa, as his uncle was in urgent need of money for his business. The respondent no.2 has alleged that pursuant thereto, he gave an amount of Rs.10,00,000/- to one Mr. Rajesh Salecha, owner of J.B. Angadia, who assured to deliver the same. According to the respondent no.2, the applicant impersonated as a staff member working with the respondent no.2's uncle and took the said amount. Pursuant thereto, the respondent no.2 lodged the aforesaid FIR as against the applicant alleging the aforesaid

offences. We are informed that till date the charge-sheet has not been filed in the said case.

5. During the pendency of the investigation in the aforesaid case, the parties have amicably settled their dispute, in as much as the applicant returned the amount taken by him from J.B. Angadia.

6. Learned counsel for the respondent no.2 has tendered an affidavit of the respondent no.2 dated 3rd September, 2022 duly affirmed before the Notary. In the said affidavit, a xerox copy of the Aadhar Card of the respondent no.2 is annexed, duly attested by him. The same are taken on cord. In the said affidavit, the respondent no.2 has stated that he has amicably settled the dispute with the applicant and he has no objection in quashing of the aforesaid FIR.

7. The respondent no.2 is present in person. On being questioned, he reiterates what is stated by him in the said affidavit.

He states that he has received the money from the applicant. The respondent no.2 has been identified by her counsel and the learned APP has verified the original Aadhar Card.

8. Considering the nature of dispute, the amicable settlement between the parties, the affidavit of the respondent no.2 and the judicial pronouncements in this regard, there is not impediment in allowing the application.

9. The application is allowed subject to the condition that the applicant shall deposit a sum of Rs.20,000/- with the **Mumbai Police Welfare Fund bearing Account No. 465010100008693, IFSC No. UTIB0000465**, as cost, within three weeks from today.

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

11. Matter to be kept for recording compliance regarding deposit of cost, on 13th December, 2022.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

BIPIN
DHARMENDER
PRITHIANI

Digitally signed by
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DHARMENDER
PRITHIANI
Date: 2022.11.16
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