

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

925 CRIMINAL APPLICATION NO.776 OF 2021

**NANDKUMAR YADAVRAO TASGAONKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.V.B. Kulkarni, Advocate for the applicants.

Mr.PN. Kutti, APP for the respondent/State.

Mr.G.D. Kale, Advocate for respondent No.2.

**CORAM : KISHORE C. SANT, J.
DATED : 20.01.2023**

PC :-

01. At the outset, the learned Advocate for the applicants prays for leave to carry out amendment in the prayer clause.

02. Leave is granted. The amendment be carried out forthwith.

03. This is an application for quashing of 138 proceeding filed in the Court of Judicial Magistrate, First Class, Udgir on various grounds. Today when the matter is called out, learned Advocate for the applicants submits that the applicant was directed to deposit the amount of cheque i.e. Rs.1,79,837/- in this Court, by order dated 24.06.2021, which he has already deposited. He submits that he has no objection if said amount is withdrawn by the respondent/original complainant and subject to that he prays that the proceeding be quashed.

03. Learned Advocate for the complainant fairly concedes to this. He has produced on record a photocopy of letter issued by the complainant addressed to his lawyer. Said photocopy is signed as a true copy by the brother of the respondent-complainant. The brother also happens to be a lawyer. This Court does not find any difficulty to accept this photocopy and the statement.

04. In view of the statement and in view of no objection given by the complainant, the proceeding before the learned JMFC, Udgir in SCC No.575 of 2020 is hereby quashed and set aside on withdrawal of amount of Rs.1,79,837/-. The amount deposited in this Court shall be transferred to the Court of JMFC, Udgir. The learned Magistrate shall allow the complainant to withdraw the amount and thereafter pass necessary orders thereby closing the proceeding.

05. The criminal application is accordingly disposed off.

[KISHORE C. SANT, J.]