

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.423 OF 2020
IN WP/630/2013 WITH WP/630/2013

AMIT ASHOK AGRAWAL
VERSUS
THE STATE OF MAHARASHTRA & ORS

...

Mr. A. S. Chouhan, Advocate for the Petitioner.
Mr. A. R. Kale, APP, for the Respondent – State.
Mr. G. V. Wani, Advocate for the Respondent No. 3.

...

CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ

DATE : MARCH 01, 2023

PER COURT :

1. At the outset, learned Counsel for the Petitioner states that during the pendency of the Petition, Petitioner No. 1 and Petitioner No. 3 have expired. He seeks leave to delete their names.

2. Leave granted. Necessary endorsement be made against their names in the cause-title.

3. By this Petition under Article 226 of the Constitution of India the Petitioner has sought to quash Crime No. 106 of 2016 registered with Mohadi Police Station, Dhule for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

4. The aforesaid crime was registered pursuant to

the FIR lodged by the Respondent No. 3 – Ajay Agarwal, uncle of the Petitioner No. 1.

5. The Petitioner and the Respondent No. 3 were the director of Aajay Energy Pvt. Ltd Co. There was dispute between the brothers over the affairs of the Company which led to filing of complaints and counter complaints against each other. The complaint lodged by the Respondent No. 3 is one of such complaints which emanated from the business dispute within the family members.

6. Learned Counsel for the Petitioner and the Respondent no. 3 state that the parties have now settled the dispute amicably. They have placed on record Memorandum of Understanding dated 12.11.2015 along with Addendum to the Memorandum dated 07.12.2019. They state that the terms recorded in the Memorandum of Understanding as well as Addendum are acceptable to the parties and they have settled the dispute as per Memorandum of Understanding.

7. Learned APP also makes a statement that there is no other victim of the crime and no loss is caused to the Governments of Maharashtra or Madhya Pradesh by

commission of the alleged crime.

8. Considering that the dispute is private in nature and parties have settled the same amicably, in our considered view, this would be a fit case to exercise powers under Section 482 of Cr.P.C to secure the ends of justice. Hence, the Petition is allowed in terms of prayer clause 'i'. Consequently, Crime No. 106 of 2016 registered with Mohadi Police Station, Dhule for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code stands quashed subject to payment of cost of Rs. 25,000/- by the Petitioner as well as Respondent No. 3 to Snehalaya, A/c No.01811000053339, IFSC : HDFC0000181, a Non Government Organization, Ahmednagar within two weeks.

9. In view of the disposal of the Writ Petition, nothing survives in the pending Criminal Application No. 423 of 2022. Accordingly, the same stands disposed of.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)