

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

CRIMINAL APPLICATION NO.2829 OF 2022

**MOHD. SHAHNAWAZ S/O. MOHD. ANWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Wajeed Ahmed Shaikh, Advocate for the applicant
Mr. A. R. Kale, APP for respondent/State
Mr. Afsal Husain M. Vakil, Advocate for respondent No. 2.

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R. M. JOSHI, JJ.**

DATE : 20th JANUARY, 2023

PER COURT :-

1. This is an application under Section 482 of the Code of Criminal Procedure for quashing crime No. 57 of 2015 registered with Police Station Nanalpeth, Parbhani and R.C.C. No. 276 of 2015 pending before the CJM, Parbhani for the offences punishable under Sections 420, 406 and 409 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the first information report lodged by respondent No.2. The respondent No.2 has alleged that he had paid an amount of Rs. 1,05,000/- to the applicant on an assurance that he would procure visa and make other arrangement for his visit to Mecca Madina. The respondent No.2 has alleged that the applicant neither made such arrangement nor returned the money.

Hence he lodged the complaint alleging offences under Sections 406, 409 and 420 of the IPC for alleging cheating and criminal breach of trust.

3. Learned counsel for the applicant and the respondent No.2. state that the parties have settled the dispute amicably. Respondent No.2 has filed his affidavit stating that he has received the entire amount paid by him to the applicant and the applicant has also returned his passport and that he has no objection to quash the criminal proceedings. The respondent No.2 who is present in the Court has confirmed the contents of the affidavit.

4. Learned APP states that apart from the respondent No.2 there is no other victim in the present crime. However it is stated that another crime of similar nature is pending against the applicant before in the Court of JMFC, Bhopal and Kolhapur. Learned counsel for the applicant has made a statement that apart from these two cases the applicant is not involved in any other crime. Considering the fact that there is no other victim in this crime and the applicant and respondent No.2 have settled the dispute which is essentially a private nature, in our considered view this would be a fit case to exercise power under Section 482 of Cr.P.C. Hence the application is allowed. FIR No. 57 of 2015 registered with Police Station Nanalpeth, Parbhani and R.C.C. No. 276 of

2015 pending before the CJM, Parbhani for the offences punishable under Sections 420, 406 and 409 of the Indian Penal Code are hereby quashed subject to payment of Rs.20,000/- by the applicant to be paid within two weeks to the High Court Bar Association Library, Aurangabad.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

ssp