

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

CRIMINAL APPLICATION NO.2071 OF 2021

PREMPRAKASH SINGH S/O. RAMASHANKAR SINGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. V.A. Bagadiya, Advocate for the Applicants.
Mr. M.M. Nerlikar, APP, for the Respondent – State.
Mr. R.A. Tambe, Advocate for Respondent no. 2.

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

DATE : JANUARY 10, 2023

PER COURT :

1. This is an application under Section 482 of Code of Criminal Procedure for quashing FIR no. I-39/2013 registered with Police Station, CIDCO, and consequential proceeding bearing R.C.C. No. 555/2014 pending on the file of learned JMFC, Aurangabad for the offences punishable under Sections 420, 409, 406 read with 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to an order passed in an application filed by Respondent No. 2 Company through Managing Director - Subhash Lalchand Darak under Section 156(3) of Cr.P.C. The allegations of the complainant is that the applicants

have cheated and misappropriated the Company to the tune of Rs. 2,16,37,390.03/- by misusing their post.

3. Learned Counsel for the Applicants and Respondent No.2 states that the parties have amicably settled the dispute which is essentially a private dispute.

4. The Respondent No. 2 has filed his affidavit giving consent for quashing FIR in view of an amicable settlement between the parties. The terms of settlement are placed on record.

5. Learned Counsel for Respondent no.2, on instructions, states that the matter has been amicably resolved and the Respondent no. 2 does not wish to proceed with the complaint.

6. Considering the nature of the offence and the fact that the parties have settled the dispute amicably, in our considered opinion, it is a fit case to exercise the power under Section 482 of Cr.P.C to quash the FIR and consequential proceedings. Hence, the application is allowed in terms of prayer clause 'B' subject to payment of cost of Rs. 15,000/- by the

respective parties to be paid to The High Court Bar Association Library, Aurangabad.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)