

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

CRIMINAL APPLICATION NO. 140 OF 2023

Mr Prateet Ashit Shah

Age: 33 Years, Occupation: Business;

R/at: B/101, Tiara Apartment, Ivory Estate,
Green Park Hotel, Baner,

Pune – 411045.

... Applicant

Versus

1. The State of Maharashtra
(Through Shivajinagar Police Station,
Pune)

2. Devdatta Jagdishchandra Gorade

Age: 41 yrs., Occ: Business

R/at: 56/A, 1, Nana Peth,
Ashok Chowk, Samarth,

Pune-411002.

... Respondents

Mr Ashish A. Agarkar a/w Seoul Shah and Vineet Shetty for
the Applicant.

Mrs A. S. Pai, Govt. Pleader a/w Mr S. D. Shinde, APP for the
Respondent No.1-State.

Mr Devdatta Jagdishchandra Gorade, Respondent No.2-
present.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 12 JULY 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. By this Criminal Application, under Section 482 of the Code of Criminal Procedure, 1973, the Applicant seeks to quash the FIR No. 124 of 2022, dated 20 August 2022, registered against him at Shivajinagar Police Station, Pune, at the instance of Respondent No.2 for the offences punishable under Section 420 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. At the outset, the learned counsel for Applicant and Respondent No.2, who is present in Court, in unison, submitted that the dispute had been resolved amicably and the Applicant had paid the disputed amount to Respondent No.2. They submitted that continuing the prosecution would serve no purpose, given the settlement between the parties. They

argued that this case is covered by the Hon'ble Supreme Court's decisions in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

5. Learned APP representing Respondent No.1 submits that suitable orders may be passed.

6. Respondent No.2 tendered a consent affidavit dated 12 July 2023. Respondent No.2 appeared in Court and stated that he has no objection to the quashing of the impugned FIR against the Applicant due to a settlement between them. Upon questioning, he confirmed the contents of his affidavit. Learned counsel for the Applicant identified him. The original Aadhar Card of Respondent No.2 was verified by the learned APP, and a self-attested copy is placed on record.

7. After examining the present case in accordance with the law laid down by the Hon'ble Supreme Court in the cases of *Gian Singh and Narinder Singh (supra)* and the material on record, it is clear that the dispute between the parties had been resolved amicably. It is alleged in the FIR that the Applicant has purchased two mobile handsets from Respondent No.2 and to, make its payment, he issued

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

cheques, but on its presentation, those cheques were dishonoured. The Applicant neither made payment nor returned mobile handsets. Instead, he sold those mobile handsets to a third party. As the complainant is no longer willing to support the allegations, continuing the prosecution would be an empty formality. In order to secure ends of justice, it would be appropriate in the given case that the impugned FIR is put to an end. The consent affidavit filed by the Respondent No.2 supports the prayer to quash the impugned FIR.

8. As we expressed our opinion, the learned counsel for the Applicant, on instructions, submitted that the Applicant will pay costs of Rs.25,000/- with the Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. We, therefore, direct the Applicant to pay costs of Rs.25,000/- within three weeks of this order being uploaded.

9. In view of this, we allow this Criminal Application in terms of prayer clause (a) and quash and set aside the subject FIR bearing No. 124 of 2022 dated 20 August 2022, registered against the Applicant at Shivajinagar Police Station, Pune.

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

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

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