

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

CR. WRIT PETITION NO. 346 OF 2022

Adwait Prakash Deshpande & Ors.

...Petitioners

Versus

State Of Maharashtra & Anr.

...Respondents

Mr. Shripad P. Hushing for the Petitioners.

Mr. S. R. Ronghe for the Respondent No. 2

Mr. J. P. Yagnik, APP for the Respondent-State.

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

DATED : 7rd AUGUST, 2023

P.C.:

1. The prayer is for quashing of FIR in Crime No. 483 of 2021 punishable u/s. 420, 406, 464, 465, 468, 471 r/w. 34 of IPC and u/s. 21 and 23 of the Banning of the Unregulated Deposit Act, 2019.
2. It appears that the Petitioners and Respondent No. 2/Complainant were having business relations and out of differences over the business transactions the offence came to be registered.
3. The Petitioners so also the Respondent/Complainant have tendered their respective Affidavits intimating that they have undertaken to resolve their differences.

4. The Affidavit filed by the Petitioners tendered during the course of the hearing is sworn by Mr. Bhargav Manharlal Oza who has stated that he has already executed the cancellation deed in relation to the property which is referred to in the FIR.

5. Learned Counsel for the Petitioners has informed that all the Petitioners shall be bound by the aforesaid Affidavit including the contents therein.

6. Learned Counsel for the Respondent No. 2/Complainant has also tendered the Affidavit dated 07/08/2023 thereby undertaking to withdraw and to take steps for not proceedings with the FIR in respect of non-cognizable offence u/s. 155 of Cr.P.C. pursuant to the Complaint dated 23/02/2023 and FIR in respect of the Complaint dated 19/05/2023. In addition to above, it is stated that it is also undertaken by the Respondent/Complainant to withdraw all the complaints against the Petitioners which are subjudice in the Office of Goods and Service Tax, Pune.

7. The learned Counsel for the Respondent No. 2/Complainant on instructions from the Complainant who is present in the Court in response to the submissions made by learned Counsel for the Petitioners submits that out of the issues which are reflected in the FIR and the aforesaid complaints which are treated to be NC,

no further action whatsoever shall be taken by the Respondent No. 2 against the Petitioners before any of the authority or before any Court of law. The said statement since made on instructions from the Respondent No. 2 is accepted as an undertaking to this Court.

8. The Respondent No. 2 is duly identified by his lawyer and his identity is also verified by learned APP from his Aadhaar Card.

9. The Respondent No. 2 has accepted all the aforesaid statements including that of the statement made in the Affidavit, one which is recorded hereinabove.

10. Apart from above, out of the eight Petitioners the following Petitioners namely (1) Adwait Prakash Deshpande, (2) Dharmesh Bharatbhai Desai (3) Bhargav Manharlal Oza, (4) Jignesh Dilipbhai Sanghvi and (5) Hasmukhbhai Ganeshbhai Kheni are present in the Court and copies of their Aadhaar Cards are placed on record.

11. Learned Counsel for the Petitioners in categorical terms stated that all the Petitioners stand by what has been stated in the Affidavit dated 07/08/2023 tendered in the Court under the signature of the Petitioner No. 3. The other Petitioners who are present in the Court accept that they are bound by what has been stated in the Affidavit and will conduct themselves in accordance with the terms in the Affidavit referred above.

12. All the Petitioners are duly identified by learned Counsel of the Petitioners.

13. In this background, we deem it appropriate to allow the prayer for quashing by consent in terms of prayer clause (a) of the Petition subject to payment of cost of Rs.25,000/- to be paid by **each** of the Petitioners and Rs.50,000/- to be paid by Respondent No. 2 within a period of four weeks to the Maharashtra State Legal Services Authority.

14. The Petitioners and the Respondent No. 2 shall produce the copy of the receipt in the Registry within a period of four weeks from today, failing which the order of quashing the proceedings shall stand revived and the Petition be posted for hearing so as to enable the Court to proceed against the parties for making incorrect statements before the Court.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)