

8IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL WRIT PETITION NO. 1495 OF 2023**

Mrs. Neha Vijay Gore and Anr. ... Petitioners.

Versus

The State of Maharashtra and Anr. ... Respondents.

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Mr. Milan Desai with Ms. Sayli Sawant i/by Dhvani Shah for the  
Petitioners.

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

Mr. Saurabh Butala with Mr. Shubham Gangan for Respondent No.2.

Respondent No.2, in-person, present.  
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**CORAM : NITIN W. SAMBRE &  
SHARMILA U. DESHMUKH, JJ.**

**DATE : June 13, 2023.**

**ORDER (Per : Sharmila U. Deshmukh, J.):**

1. The Petitioners seek quashing of the First Information Report (FIR) being C.R. No.I-10 of 2022, registered with Thane Nagar Police Station, Thane for the alleged offences punishable under Sections 420, 409 read with Section 34 of the Indian Penal Code, 1860. The quashing is sought on the premise that the Petitioners and the Respondent No.2 have amicably settled the dispute during the

course of the hearing of the anticipatory bail application of the Petitioners.

2. During the hearing of the anticipatory bail application of the Petitioners, consent terms came to be executed between the Petitioners and the Respondent No.2. The FIR has been registered against the Petitioners and one Roshan Manoharrao Wandare, however, the dispute has been amicably settled between the Petitioners and the Respondent no.2 and, as such, quashing is sought *qua* the Petitioners.

3. From perusal of the FIR, it appears that the Respondent No.2 had parted with a sum of Rs.68,33,433/- for the purpose of purchase of vehicle, which vehicle was not delivered to the Petitioners leading to registration of the FIR. The consent terms record that sum of Rs.68,33,433/- has been deposited by the Petitioners in this Court during the hearing of the anticipatory bail application being Anticipatory Bail Application No.1546 of 2022.

4. The consent-affidavit of the Respondent No.2 is placed on record and the contents of the same are verified by the Respondent no.2, who is present in-person in the Court. Learned counsel

appearing for the Respondent No.2 identifies the Respondent No.2 and has also tendered a copy of his PAN Card, which is taken on record. As per the consent-affidavit filed by the Respondent No.2, the Respondent no.2 has extended his consent for quashing of the FIR subject to the Petitioners giving their no objection/consent to the Respondent No.2 withdrawing the sum of Rs.68,33,433/-, which has been deposited by the Petitioners in the Registry of this Court. The Petitioners are present in the Court and have stated that they have no objection to the Respondent No.2 for withdrawing the amount deposited by them during the hearing of the anticipatory bail application.

5. Considering the nature of dispute which was a transaction of sale of vehicle for which certain amount was paid by the Respondent No.2, and there was no fulfillment of an obligation of the delivery of the vehicle which led to registration of FIR and considering that the dispute is now amicably settled between the parties, we are of the opinion that continuation of the criminal proceedings as against the Petitioners will not achieve any fruitful purpose, particularly, when the Petitioners have deposited part of the amount paid by the Respondent No.2.

6. In view of the above, we deem it appropriate to allow the petition and pass the following order.

**ORDER**

(a) The FIR being C.R.No.I-10 of 2022, registered with Thane Nagar Police Station, Thane for the alleged offences punishable under Sections 420, 409 read with Section 34 of the Indian Penal Code, 1860 *qua* the Petitioners is hereby quashed and set aside, subject to payment of costs of Rs.50,000/- [Fifty Thousand] each to be paid by the Petitioners and the costs of Rs.1,00,000/-[One Lakh] to be paid by the Respondent No.2-Complainant.

(b) The costs as directed above to be deposited in the account of Central Police Welfare Fund, Director General, M.S. Mumbai, (Account No.914010029005759, IFSC Code-UTIB0000060, Axis Bank, Worli, Mumbai (MH)], within a period of four weeks from today and the receipt evidencing the payment of costs to be filed with the Registry in the present petition.

(c) Subject to payment of costs by the parties, the Respondent No.2 is permitted to withdraw the sum of Rs.68,33,433/- deposited by the Petitioners in the Anticipatory Bail Application No.1546 of 2022.

(d) Writ Petition stands allowed subject to the above terms.

(e) Needless to clarify that in event, the costs as directed above are not paid within the period prescribed, the above order shall stand automatically cancelled and the petition be listed for direction before this Court within one week thereafter.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]