

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

CRIMINAL APPLICATION NO.493 OF 2023

Dinesh Sahebrao Baisane

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Dr. Samarth Karmarkar i/by Karmarkar & Associates, for the Applicant.

Mr. K. V. Saste, APP for the Respondent/State.

Ms. Reshma Apte a/w Vrindavan Patil, for the Respondent No.2.

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

DATE : 10th AUGUST, 2023

PC.

1. The prayer is for quashing of FIR being Crime No.110 of 2023 registered with Bangar Bagar Police Station for an offence under Sections 420, 465, 467, 468, 471 of IPC and Section 66(d) of the Information Technology Act.

2. The genesis of the offence is, the applicant claimed to be self-employed used to help the respondent No.2/complainant in processing bank account viz. deposits, updating entries etc. Taking advantage of illiteracy, it is claimed that the applicant has misappropriated the amount resulting into registration of the offence.

3. The affidavit is tendered by the respondent No.2/complainant stating that having regard to the relationship and having received the entire amount which was informed to have been misappropriated, she is not keen in pursuing the proceedings against the applicant. It is stated that the respondent No.2/complainant out of her own free will is extending consent for quashing.

4. Learned APP has verified the identity of the respondent No.2/complainant who is physically present in the Court and counsel for the respondent No.2/complainant has also identified her.

5. In response to the Court's query, the respondent No.2/complainant admits contents of the affidavit thereby stating that she is extending consent out of her own free will. In view of law laid down by the Apex Court in the matter of ***Gian Singh Vs. State of Punjab & Anr.*** reported in ***(2012)10 SCC 303*** and ***Narinder Singh & Ors. Vs. State of Punjab & Anr.*** reported in ***(2014) 6 SCC 466***, we deem it appropriate to allow the application.

6. The application as such stands allowed subject to payment of cost of Rs.25,000/- to be paid by the applicant within period of four weeks to Dy. Commissioner (Child Development) and Member Secretary and Try M. S. Child Fund (*State Bank of India, Account No.11099464354, IFSC: SBIN0000454*) and copy of the

payment of cost be produced before the Registry within same period, failing which the order of quashing the proceedings shall stand automatically revived and this Court will be constrained to proceed against the applicant in accordance with law.

6. With the above observations, the application stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]