

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

**CRIMINAL WRIT PETITION NO. 2804 OF 2023**

Shahid Abdulwahab Khan ... Petitioner  
Versus  
State of Maharashtra & Anr. ... Respondents

\*\*\*\*\*

Mr. Sujit Shelar a/w Shivam Laturiya i/by APS Law Associates for the  
Petitioner.

Mr. K. V. for the Respondent No.1-State.

Mr. Suryajeet P. Chavan for the Respondent No.2.

\*\*\*\*\*

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

**DATE : 11<sup>th</sup> AUGUST, 2023**

**P.C. :-**

. Heard. The genesis of the offence against the petitioner is the complainant alleges that his employee illegally transferred the yarn to the extent of 78,246 kgs. The petitioner is allegedly purchaser of the stolen yarn, resulting into registration of crime bearing FIR No. 336 of 2022, punishable under Sections 420, 408, 406, 411, 381, 120B read with 34 of the Indian Penal Code.

2. The complainant has tendered an affidavit before this Court extending consent for quashing to the extent of only the petitioner/co-accused no.4 claiming that the transaction *inter se* between the petitioner and the complainant is settled as the complainant is adequately compensated. The complainant is physically present in the

Court and is identified by his lawyer so also his identity is verified by the learned APP through his Aadhar Card.

3. In view of the fact that the complainant has admittedly executed the consent terms out of his free will, no purpose would be achieved by keeping the prosecution pending against the petitioner in view of the law laid down by the Apex Court in the judgments of *Gian Singh v/s. State of Punjab & Anr.*<sup>1</sup> and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*<sup>2</sup>.

4. As such, we deem it appropriate to allow the petition in terms of prayer clause (b) subject to payment of cost of Rs.25,000/- to be paid by the petitioner to the Association of Parents of Mentally Retarded Children (State Bank of India Account No. 00000010884930648 and IFSC Code: SBIN0009056), within a period of four weeks from today.

5. In view of consent extended by respondent-complainant, the petitioner is permitted to withdraw the amount as has been prayed in the prayer clause (c).

**[R. N. LADDHA, J.]**

**[NITIN W. SAMBRE, J.]**

---

<sup>1</sup> (2012) 10 SCC 303.

<sup>2</sup> (2014) 6 SCC 466.