

Versus

1. The State of Maharashtra
2. Bhavita Lalitkumar Shah ... Respondents

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Mr. Shivam Dube a/w Madhukar Dalvi for the Petitioner.
Ms. S. S. Kaushik, APP for the State.
Mr. Sunny Punamiya i/b Kinnari Mehta for Respondent No. 2.

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

DATED : 17 OCTOBER 2023

P.C. :-

1. Based on the complaint dated 1 October 2015 an offence being MECR No. 11 of 2015 punishable under Sections 354, 354-A of Indian Penal Code came to be registered against the petitioner.
2. The genesis of the offence is financial transaction between the respondent/complainant and petitioner.

3. In this background, after the notice was served on respondent, the respondent has appeared through her lawyer and tendered an affidavit. In the said affidavit she has categorically stated that she has received demand draft for an amount of Rs. 4,85,248/- towards refund of the amount.

4. The respondent has stated that she has forgiven the petitioner and she intend to extend consent for quashing of the offence.

5. In the aforesaid background, we have requested learned APP Ms. Kaushik, to verify from the respondent/complainant as to her willingness to extend consent for quashing. The respondent/complainant present in the Court through her lawyer so also the learned APP stood by what has been stated in the affidavit and further agreed that she is voluntarily extending consent for quashing.

6. In view of law laid down by the Apex Court in the matter of **Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in (2014) 6 SCC 466**, case for quashing is made out. As such, in view of the consent extended, the Petition stands allowed in terms of prayer

clause (a) subject to payment of cost of Rs. 25,000/- by the petitioner to the Pasaydan Balvikas Foundation, Bank Name – Central Bank of India, Account Number – 3775403155, IFSC Code – CBIN0285070 within a period of six weeks from today and the receipt of payment of cost shall be produced with the Registry within same period, failing which the order of quashing the criminal proceedings shall stand recalled. The Petition is disposed of in aforesaid terms.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)