

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

CRIMINAL APPLICATION NO.1254 OF 2022

Govindsai M. Kulkarni

.....Applicant

Vs.

The State of Maharashtra & Anr.

..... Respondents

Mr. Abhishek Kulkarni for the Applicant.

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

Mr. Satish Patil for Respondent No.2.

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

DATED : 7rd AUGUST, 2023

P.C.:

1. The prayer is for quashing of FIR. The genesis of the offence alleged against the Applicant is the failure of the Applicant to pay the payment to the Respondent/Complainant towards the purchase of the medicines.
2. The Respondent/Complainant is physically present in the Court and has tendered Affidavit by extending the consent. The Respondent/Complainant has stated in the Affidavit that he has received the amount which was due and receivable. Considering the business relationship between the Applicant and the Respondent/Complainant, it is claimed that the Respondent /Complainant is extending consent for quashing so as to have

cordial business relationship between the Applicant and Respondent/Complainant.

3. The contents of the Affidavit are verified by the Respondent/Complainant, who is present in the Court. The said Respondent/Complainant is duly identified by the learned Counsel representing him so also through the copy of the Aadhaar Card which is verified by the learned APP.

4. The Respondent/Complainant has informed to this Court orally that he admits to the contents of the Affidavit and willing to extend the consent out of his free will.

5. In this background, in view of the law laid down in the matter ***Gian Singh vs. State of Punjab and Another*** reported in ***(2012) 10 SCC 303*** and ***Narinder Singh & Ors. Vs State of Punjab & Anr.*** reported in ***(2014) 6 SCC 129*** the prayer for quashing by consent stands allowed.

6. It is directed that offence be quashed subject to the payment of Rs.1,00,000/- to be paid to the Kirtikar Law Library by the Applicant within a period of four weeks from today.

7. The Applicant shall produce the copy of the receipt of payment of the aforesaid cost 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 Applicant.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)