

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

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CRIMINAL APPLICATION NO.700 OF 2023

Mohd. Azhar Haji Rahmatullah & Anr. ..Applicants
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
CRIMINAL APPLICATION NO.279 OF 2023**

Smt. Nahid Kausar Mohd. Azhar & Ors. ..Applicants
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
CRIMINAL APPLICATION NO.8 OF 2023
WITH
CRIMINAL APPLICATION NO.7 OF 2023**

Smt. Nahid Kausar Mohd. Azhar ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
CRIMINAL APPLICATION NO.702 OF 2023**

Asif Masood Ateeque Ahmad ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
CRIMINAL APPLICATION NO.5 OF 2023**

Mohammad Shahid Haji Rahmatullah ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
CRIMINAL APPLICATION NO.6 OF 2023**

Mohammad Azhar Haji Rahmatullah	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. N. R. Bubna, for the Applicants in all Applications.
Mrs. S. D. Shinde, APP for the Respondent/State.
Mr. Mahendra Sandhyanshiv, for the Respondent No.2.
Respondent No.2 in person – present.

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

DATE : 19th AUGUST, 2023

PC.

1. The prayer is for quashing of criminal proceedings i.e. FIRs/
Crimes in the above mentioned applications as under :-

- i) APL/700/2023 for quashing of Crime No.110 of 2020 registered with Azad Nagar Police Station, Malegaon for an offence punishable under Sections 406, 420, 504, 506 r/w 34 of IPC;
- ii) APL/5/2023 for quashing of Crime No.31 of 2021 registered with Azad Nagar Police Station, Malegaon for an offence punishable under Sections 406, 420, 506 of IPC;
- iii) APL/6/2023 for quashing of Crime No.29 of 2021 registered with Azad Nagar Police Station, Malegaon for an offence punishable under Sections 406 and 420 of IPC;
- iv) APL/8/2023 for quashing of Crime No.28 of 2021 registered with Azad Nagar Police Station, Malegaon for an offence punishable under Sections 406 and 420 of IPC;
- v) APL/7/2023 for quashing of Crime No.2 of 2021 registered with Azad Nagar Police Station, Malegaon for an offence punishable under Sections 406 and 420 of IPC;

- vi) APL/279/2023 for quashing of Crime No.110 of 2020 registered with Azad Nagar Police Station, Malegaon for an offence punishable under Sections 406, 420, 504, 506 r/w 34 of IPC; and
- vii) APL/702/2023 for quashing of Crime No.27 of 2021 registered with Azad Nagar Police Station, Malegaon for an offence punishable under Sections 406 and 420 of IPC.

2. The genesis of the offence is, the applicants formed a syndicate so as to facilitate collective bargain in the matter of yarn.

3. After entering into transaction with the complainant towards consideration, cheques were issued, which were dishonoured. Alleging non-payment of lawful consideration nor the issuance of 'C-Form' in relation to the sales tax exemption and issuance of threats were issued to the complainant, respective offences came to be registered against the applicants.

4. The respondent/complainant is present in the Court who has tendered consent affidavit. The respondent/complainant in his affidavit has stated that he has already received the consideration as has been agreed pursuant to the MOU executed *interse* between the parties on 19th January, 2022, copy of which is also placed on record.

5. The respondent/complainant who is present in the Court is identified by his counsel, so also, from his Aadhaar Card which is verified by the learned APP.

6. The respondent/complainant admits the contents of the MOU, so also, the consent affidavit. In this background, since the

prosecution cannot be taken to its logical end, no purpose will be served in keeping the criminal proceedings pending against the applicants. Having regard to the 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 quash and set aside the above mentioned FIRs/Crimes registered against the respective applicants.

7. Consequent to the quashing of FIRs/Crimes as above mentioned, if the applicants are charge-sheeted, the said proceedings are also quashed and set aside.

8. As such, all the applications stand allowed subject to payment of cost of Rs.10,000/- to be paid by each of the applicants to The Children Aid Society (*UCO Bank, A/C No.02370100005612, IFSC Code: UCBA0000237*) within four weeks and copy of the receipt of the same be produced with the Registry within same period, failing which the order of quashing of the criminal proceedings shall automatically stand revived and this Court will be constrained to proceed against the applicants in accordance with law.

9. With the above observations, all the applications stand disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]