



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO.607 OF 2023

Mukesh Lakhemchand Nechlani and Anr. ... Petitioners

V/s.

State of Maharashtra and Anr. ... Respondents

Ms S. S. Gandhi, Advocate for Petitioners.

Mr S. S. Doifode, APP for Respondent/State.

Mr M. F. Akbani, Advocate for Respondent No.2.

**CORAM : NITIN W. SAMBRE AND
VALMIKI SA MENEZES, JJ.**

DATED : 25th SEPTEMBER, 2023.

P.C.:

1. Heard.
2. The prayer is for quashing of First Information Report (FIR) in Crime No.381 of 2023 registered on 5th June, 2023 for the offence punishable under Sections 408, 468, 471 and 34 of the Indian Penal Code, 1860.
3. The genesis of the offence is based on misappropriation of amount.
4. The Respondent No.2 – Complainant has placed on record an Affidavit thereby extending consent for quashing of FIR.
5. We have perused the Affidavit placed on record by the Respondent No.2 – Complainant, wherein he has

specifically stated that the matter between the Petitioners and the Respondent No.2 – Complainant is amicably settled.

6. The identity of the Respondent No.2 – Complainant is disclosed by his learned Counsel Mr Mohseen F. Akbani by producing Aadhar Card and Driving Licence.

7. In this background, having regard to the stand taken by the Respondent No.2 – Complainant, no purpose will be achieved by keeping the prosecution pending against the Petitioners.

8. In view thereof and having regard to the law laid down by the Hon'ble Apex Court in the matter of *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 466*, we deem it appropriate to allow the present petition in terms of prayer Clause (i) and in view of consent extended by the Respondent No.2 – Complainant.

9. As such, the criminal writ petition stands allowed in terms of prayer Clause (i), subject to payment of costs of Rs.25,000/- to be paid in the account of M/s. High Court Gazetted Officers Association, Nagpur, (SB. General) Account No.129712010000501, IFSC Code UBIN0812978 with the Union Bank of India, High Court Branch, Civil

Lines, Nagpur, within a period of six weeks from today.

10. The criminal writ petition is disposed of accordingly.

(VALMIKI SA MENEZES, J.)

(NITIN W. SAMBRE, J.)