



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

CRIMINAL APPLICATION [APL] NO. 1333/2023.

Bittukumar Bhola Gupta. ... Applicant.

-Versus-

1.State of Maharashtra
and another. ... Non-applicants.

.....
Shri I.A. Fidvi, Advocate for the Applicant.
Shri S.M. Ghodeswar, A.P.P. for Non-applicant No.1.
Shri A.A. Potnis, Advocate for Non-applicant No.2.
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CORAM : NITIN W. SAMBRE AND
VALMIKI SA MENEZES, JJ.
DATE : SEPTEMBER 13, 2023.

P.C.

Prayer in this application is to quash the first information report bearing Crime No.222/2023 registered with non-applicant no.1 Police Station, Gobarwahi, Bhandara for the offence punishable under Sections 406 and 420 of the Indian Penal Code. Contentions are necessary ingredients cannot be inferred against the applicant way the Crime No.222/2023.

2. Apart from the above, his contentions are the offence came to be registered since there was some difficulties in payment of amount, which is already resolved.

3. Shri A. Potnis, learned Counsel appearing for non-applicant no.2 states that during the course of the day he would be filing vakalatnama on behalf of non-applicant no.2 – complainant who is personally present in the Court. Shri Potnis, has placed on record an affidavit extending consent of quashing of the crime, thereby stating that the differences between the applicant and non-applicant no.2 are already resolved.

4. We have taken the said affidavit on record.

5. Shri Ghodeswar, learned A.P.P. pursuant to the request made by this Court, has verified the identity of the complainant from the Aadhar Card.

6. In this background, having regard to the law laid down 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 129*, no purpose would be served in keeping the prosecution pending against the applicant. That being so, in view of the consent extended by the non-applicant no.2, the present application 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 6 weeks from today.

7. We request the learned A.P.P. to communicate this order to the police officer concern.

(VALMIKI SA MENEZES, J.) (NITIN W. SAMBRE, J.)