

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CRIMINAL APPLICATION NO. 1924 OF 2024

Amit Krishna Saigal And Other

VERSUS

The State Of Maharashtra And Another

...

Mr. Patel Shaikh Ashpak Taher - Advocate for Applicant

Mrs. A. S. Deshmukh - APP for Respondent/State

Mr. A. S. Barlota – Advocate for respondent/State

...

CORAM : R. G. AVACHAT

AND

NEERAJ P. DHOTE, JJ.

DATED : 21ST JUNE, 2024

PER COURT : -

1. This Application is filed for quashing FIR bearing No.0176 of 2024 dated 08.04.2024 registered with M.I.D.C. CIDCO Police Station, Aurangabad City, at the instance of Respondent No. 2, for the offence punishable under Sections 406, 420, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. Learned advocate for the Applicant, learned APP for the State and the learned advocate for respondent no. 2 are present in the Court. Respondent no. 2, who is the informant, is also present in the Court.

3. Learned advocate for the applicant and respondent no. 2 submit that they have arrived at an amicable settlement and executed a

Settlement Agreement dated 26th April 2024 and they do not want to proceed with their respective complaints. Both the sides submit that there was business transaction between Applicant and Respondent No. 2 and an amount of Rs. 4.00 Crore was due on the Applicant. It is submitted that Civil Suit in respect of the said transaction would be withdrawn and the complaints filed by the Applicant and the Respondent No. 2 against each other would also be withdrawn. They submit that out of Rs. 4.00 Crore, the Applicant has paid Rs. 3.00 Crore to Respondent No. 2 and remaining amount of Rs. 1 Crore is being paid today by way of Demand Draft. Both have endorsed the Affidavit dated 09.05.2024, which is filed on record.

4. Learned APP submits that the compromise may not be endorsed.

5. In view of the above submissions, it is seen that the transaction between the parties was of civil nature. The civil suit is agreed to be withdrawn. The amount of Rs. 3.00 Crore has been paid and remaining amount of Rs. 1.00 Crore is being paid today by way of Demand Draft. The parties have agreed to withdraw the proceedings filed against each other. In this view of the matter, we proceed to pass the following order in exercise of the powers under Section 482 of the Code of Criminal Procedure.

ORDER

- [i] The Application is allowed in terms of prayer clause 'B' subject to the payment of costs of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand) by the Applicant, out of which Rs. 50,000/- (Rupees Fifty Thousand) be paid to the Library of Office of Government Pleader, Aurangabad Bench and Rs.1,00,000/- be paid to the High Court Bar Library, Aurangabad Bench. The said amount be deposited in this Court within a period of one week.
- [ii] Application is, accordingly, disposed of.
- [iii] The Registrar (Judicial) to ensure compliance of the said order.
- [iv] List the matter on 28th June, 2024, for compliance.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde