



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CRIMINAL WRIT PETITION NO. 1420 OF 2024

Manek Gupta And Others

VERSUS

The State Of Maharashtra And Another

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Advocate for the Petitioner : Mr. R N Dhorde Sr. Counsel i/b
Mr. V.R. Dhorde

APP for Respondents: Mr. Govind A Kulkarni

Advocate for Respondent 2 : Mr. Patil Pravin Govindrao

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CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.

Dated : August 29, 2024

PER COURT :-

1. Present petition has been filed under Article 226 of the Constitution of India and section 482 of the Criminal Procedure Code for quashing the FIR bearing Crime No.952 of 2023 dated 29.12.2023 registered with MIDC Police Station, Latur for the offence under section 420 read with section 34 of the Indian Penal Code.

2. Heard Mr. Dhorde learned senior counsel i/b Mr. V.R. Dhorde for the applicants, learned APP for respondent no.1 and learned advocate Mr. Patil for respondent no.2.

3. The petitioners are the Directors and Manager of company by name 'Vitterra India Pvt Ltd'. Respondent no.2 is stated to be authorized representative of 'Kirti Agrovet' Limited. There was an agreement between two companies for supply of articles and as per informant, respondent no.2-

company of the informant has been cheated by the Petitioners to the extent of Rs.98,08,041/-.

4. Learned senior counsel for the petitioners as well as respondent no.2 submit that, now there is mutual settlement agreement between the parties i.e. companies. The same has been produced on record and in view of the said settlement, the Petitioners company has agreed to pay amount of Rs.75,00,000/- (Rs. Seventy Five Lakhs) towards full and final settlement of the dispute. They have also made a stipulation that upon receipt of the amount, all the disputes regarding the FIR would be treated as set aside. Respondent no.2 accepts part of the amount i.e. Rs.30,00,000/- (Rs. Thirty Lakhs) and as regards to the demand for Rs.45,00,000/- (Rs. Forty Five Lakhs), it is in the custody of a person, who would give it to the respondent no.2's company after the FIR is quashed. This settlement is agreeable to respondent no.2 and the company he is representing.

5. In view of the fact that offence that came to be registered was under section 420 of the IPC read with 34 which itself is compoundable under section 320 of the Criminal Procedure Code and parties have arrived at the said mutual settlement agreement on 23.7.2024. This would be a fit case where we are exercising our inherent powers under section 482 of the Criminal Procedure Code, however, for utilizing the police machinery as well as this Court, the petitioners should deposit an amount of Rs.50,000/- (Rs. Fifty Thousand) to the High Court Legal Services Sub-Committee, at Aurangabad within a period of one week from today.

6. In view of above observations, Petition stands **allowed**. The FIR vide Crime No.952 of 2023 dated 29.12.2023 registered with MIDC Police Station, District Latur, for the offence punishable under sections 420 r/w 34 of the Indian Penal Code stands quashed and set aside as against the applicant nos.1-Manek Gupta, 2- Sharmila Gaikwad, 3-Peeyush Gupta and 4-Sandeep Kottary. Writ Petition stands **disposed of**.

7. As directed above, the petitioners to deposit an amount of Rs.50,000/- (Rs. Fifty Thousand) within a period of one week from today with the High Court Legal Services Sub-Committee, Aurangabad. Place the matter for further compliance on 18.9.2024.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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