



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3862 OF 2024

1) Sajan Sadashivrao Pachpute,
Age-33 years, Occu:Business,

2) Sudarshan Sadashiv Pachpute,
Age-31 years, Occu:Business,

Both R/o-Daund Nagar Road,
Amdar Vasti, Kashti, Taluka-Shrigonda,
District-Ahmednagar.

3) Sandip Vishnu Shinde,
Age-36 years, Occu:Agri.,

4) Deepak Baban Bhapkar,
Age-25 years, Occu:Agri.,

Both R/o-Kashti, Taluka-Shrigonda,
District-Ahmednagar.

...APPLICANTS

VERSUS

1) The State of Maharashtra,
Through the Police Inspector,
Kannad City Police Station,
Chhatrapati Sambhajnagar,
Taluka and District-Chhatrapati
Sambhajnagar,

2) Dipak Fakirchand Pande,
Age-45 years, Occu:Business,
R/o-Khandsari, Kannad,
Tq-Kannad, District-Chhatrapati
Sambhajnagar.

...RESPONDENTS

...
Mr. Rahul R. Karpe Advocate for Applicants.
Mr. A.M. Phule, A.P.P. for Respondent No.1.
Mr. Vivek V. Kabade Advocate for Respondent No.2.
...

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

DATE : 30th SEPTEMBER, 2024

ORDER :

1. Present Application has been filed for quashing the First Information Report (for short "the FIR") vide Crime No.213 of 2024 dated 3rd August 2024 registered with Kannad City Police Station, District-Chhatrapati Sambhajinagar for the offence punishable under Sections 3(5), 316(2), 316(5), 318(4) of the Bhartiya Nyaya Sanhita, 2023.

2. Learned APP waives notice for respondent No.1 and learned Advocate Mr. Kabade waives notice for respondent No.2 *suo motu*.

3. Learned Advocate for the applicants as well as respondent No.2 – informant submit that the matter has been compromised. The FIR was arising out of a contract and the applicants were under liability to pay the amount to respondent No.2. Now, respondent No.2 accepts that he has received the amount on 7th

May 2024, 26th August 2024 and 27th August 2024, to the tune of Rs.4,00,000/-, Rs.5,00,000/-, and Rs.68,30,000/- respectively. Under such circumstance, respondent No.2 has no objection for quashing the FIR.

3. The first and foremost point to be noted is that it appears that the FIR was lodged with the motive to get the amount which was due from the applicants and now respondent No.2 has received the said amount. It would be then the futile exercise to ask the police to investigate the matter further and also a futile exercise to ask the applicants to face the trial if at all the point reaches regarding the filing of the charge-sheet. However, since even respondent No.2 appears to have utilized the machinery, cost deserves to be imposed on him also. We, therefore, proceed to pass following order:-

ORDER

(I) The Application stands allowed.

(II) The First Information Report vide Crime No. 213 of 2024 dated 3rd August 2024 registered with Kannad City Police Station, District-Chhatrapati Sambhajinagar for the offence punishable

under Sections 3(5), 316(2), 316(5), 318(4) of the Bhartiya Nyaya Sanhita, 2023, stands quashed and set aside as against all the applicants, upon deposit of amount of Rs.5,000/- each by all the applicants as well as Rs.5,000/- by respondent No.2, within a period of two weeks from today, with the High Court Legal Services Sub-Committee, Aurangabad.

(III) Place the matter for further compliance on 22nd October 2024.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/SEP24