

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. NO. 3714 OF 2021

Sandip Jawahar Shah

...Petitioner

Versus

The State Of Maharashtra And Anr

...Respondents

....

Mr.Samir A. Kumbhakoni, Advocate for the Petitioner.

Ms. K. T. Hivrale, APP for Respondent-State.

Mr.R D Phade Advocate for Respondent No.2.

API S. N. Bandgar, EOW Solapur City, is present.

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**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**

DATE : 19th APRIL 2024

P.C.:-

1. The petitioner is charge-sheeted for offence under Section 420 read with 34 of the Indian Penal Code, 1860. The FIR was registered on 12th September 2018 with Faujdar Chavdi Police Station, Solapur vide C.R. No.520 of 2018 at the instance of respondent No.2.

2. The grievance of the complainant is that, from 2009 onward, he had parted the amount of Rs. 10,34,000/- to various persons for getting admission of his son in dental college at Bangalore State of Karnataka.

3. It is jointly submitted that, the complainant has received the entire money as the petitioner has returned the money to the complainant.
4. Learned Advocate for petitioner submitted that, in the FIR itself it is stated that the amount which was parted to the petitioner was returned back to the complainant.
5. The affidavit of the complainant has been annexed to this petition. It is stated that, FIR was registered for cheating the complainant for an amount of Rs.10,34,000/- and he has received the amount.
6. The complainant has filed affidavit stating that he is from Solapur. He is not in position to travel to Mumbai. His presence be dispensed with. The affidavit has been affirmed at Malshiras, Solapur. The complainant has no objection for quashing the FIR. Affidavit is taken on record.
7. It is apparent that, the amount parted to the petitioner/accused has been returned to the complainant which is not disputed by complainant.
8. Learned APP, on instructions, submitted that, total amount which parted by the complainant i.e. Rs.10,34,000/- has been received.
9. In view of aforesaid circumstances and with the consent of complainant, proceedings can be quashed.

ORDER

- (i) Criminal Writ Petition No. 3714 of 2021 is allowed;
- (ii) The proceedings in RCC No. 545 of 2019 arising out of FIR dated 12th September 2018 registered with Faujdar Chavdi Police Station, Solapur vide

C.R. No.520 of 2018 is quashed and set aside.

(iii) The petitioner shall pay the cost of Rs.25,000/- to Central Police Welfare Fund within a period of four weeks from today and submit the receipt of the same in the Registry of this Court. The details of the Bank Account for payment of costs are as under:-

Bank Name : Axis Bank Ltd.
Branch Name : Worli, Mumbai [M.H.], Mumbai – 400 025
Account Name : Central Police Welfare Fund
Account No. : 914010029005759
IFSC Code : UTIB00000060

(iv) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)