

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4529 OF 2024

Nagaraj Jeyaraman Alagarsamy & Anr.Petitioners
Vs.
The State Of Maharashtra & Anr.Respondents

Mr. Pradeep Dubey, for the Petitioners.
Mr. Sukanta A. Karmakar, APP for Respondent No.1-State.
Mr. Aditya Raktade, with Ms. Aarti Shah, for Respondent No.2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 14th NOVEMBER 2024.**

PC.:-

- 1) This is a Petition for quashing the offences registered vide C. R. No.193 of 2017 at Vita Police Station and the consequent criminal proceeding pending vide R.C.C.No. 241 of 2018 before the 5th Civil Judge Junior Division and Judicial Magistrate First Class, Vita.
- 2) Since the petition is filed by present Petitioners, though there are other accused in this case, we are deciding it considering that the present petition is filed for quashing of the FIR by consent.
- 3) Heard.

- 4) FIR is lodged by the Respondent No.2 ('Informant'). He has stated in the FIR that he was in the business of selling fruits. The five accused mentioned in the FIR including the Petitioners approached the Informant. The Informant used to purchase grapes and pomegranates from small farmers and used to sell it further. The gist of the FIR is that all the five accused met him on 15th February 2017 at Bhivghat (Karanje) and asked for supply of those fruits. The Informant supplied the fruits on various occasions, which were taken to Tamilnadu. It is further alleged that the Informant supplied the fruits worth Rs.34,39,520/-. The Petitioners gave cheques to the tune of Rs.7,00,000/- but they were dishonoured. The Informant was cheated and thus, the FIR is lodged. Matter is now settled between the Informant and the present Petitioners.
- 5) The Informant has filed an Affidavit giving his no objection for quashing of the criminal proceeding. Affidavit is taken on record. The Informant is present before the Court. He is identified by his counsel. The Affidavit is affirmed before the Assistant Registrar of this Court. The Informant has stated before the Court that the Petitioner No.2 is a senior citizen and

he was in the army. At his request to save his son, i.e. the Petitioner No.1 and himself, the Informant is showing leniency. The Informant stated that the Petitioner No.2 has made efforts to pay at-least Rs.5 Lakhs to the Informant, which he is accepting though he had suffered severe losses. He is willing to give his no objection to set aside the proceeding against the Petitioners. He however, requested the Court that this order be restricted to the present Petitioners and the other accused may not get benefit of this order. The request is reasonable and acceptable. Since the matter involves purely personal dispute in the form of commercial transaction and the Informant has accepted the amount given by the Petitioners, on his own accord, without any force and since he has given his consent for quashing of the FIR against the present Petitioners, we are inclined to allow the Petition. Hence, the following order:

ORDER

(i) FIR registered vide C. R. No.193 of 2017 at Vita Police Station and the consequent criminal proceeding pending vide R.C.C.No. 241 of 2018 before the 5th Civil Judge Junior Division and Judicial Magistrate First Class, Vita are quashed and set

aside.

(ii) It is made clear that this order is only in respect of present Petitioners and shall not affect the case against the other accused.

6) Petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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