

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.81 OF 2024

Heeralal Meghraj Doshi and Ors.

...Petitioners

Versus

The State of Maharashtra and
Anr.

...Respondents

....

Mr. Aabaad Ponda, senior Advocate with Mr. Prashant Parsurampur, Mr. Aalam Parsurampur, Advocate Thakar and Mr. Aadil Parsurampur for the Petitioners.

Mr. Laxminarayan Shukla for Respondent No.2.

Mr. Ajay Patil, APP for Respondent No.1-State.

**CORAM: SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED: 24th JANUARY, 2024.

P.C.:-

1. The Petitioners have sought to quash the FIR No.583 of 2023 registered with Shivaji Park Police Station, Mumbai and subsequently transferred to EOW Unit-8, Mumbai under C.R. No.71 of 2023, for the offences punishable under Sections 406, 409, 420 and 120B of the IPC and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Institutions) Act 1999.

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2. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.2. It was the case of the prosecution that the Petitioners herein had induced Respondent No.2 and several others to invest money as well as gold. It is stated that the Petitioners did not return the money invested by these depositors.

3. On 10/01/2024, Mr. Ponda, learned senior counsel representing the Petitioners had made a statement that the parties have settled the dispute amicably. It was stated that there were total 27 victims, out of which 3 are Hindu Undivided Family. Since it was reported that some of the victims are unable to appear before the Court, the Investigating Officer was directed to record the statements of the victims and to ascertain whether the matter has been amicably settled.

4. Learned APP, under instructions from the Investigating Officer submits that all the victims in the said crime have appeared before the Investigating Officer and have stated that they have received consideration in the form of money and other equivalent consideration and that they have no objection to quash the criminal

proceedings. Learned APP further states that the supplementary statements of these victims have been recorded by the Investigating Officer.

5. In our considered view the settlement is voluntary and genuine. Considering the said fact as well as the nature of the crime, we are of the considered view that continuance of the criminal proceedings will be an abuse of process of law.

6. Under the circumstances, the petition is allowed. FIR No.583 of 2023 registered with Shivaji Park Police Station, Mumbai and subsequently transferred to EOW Unit-8, Mumbai under C.R. No.71 of 2023, stands quashed subject to payment of costs of Rs.1,00,000/- to be paid by the Petitioners to the Advocates Association of Western India Generation Next within a period of four weeks from today. The details of the account are as under:-

Name: AAWI Generation Next

Account No.:000110110007807

Bank Name & Branch: Bank of India, Mumbai Main Branch

IFSC Code: BKID0000001

7. The Petitioners are put to notice that in the event the costs are not paid within the stipulated time, the order shall stand recalled without further reference to the Court.

8. Registry to place the matter before the Court after four weeks in the event the Petitioners do not comply with the order.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)