

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

CRIMINAL WRIT PETITION NO. 743 OF 2024

Dr. Hiten Amritlal Kenia ...Petitioner
Versus
Dharmang Mansukhlal Dedhia and Others ...Respondents

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Mr. Darshan Juikar, Advocate for the Petitioner.

Ms. S.E. Phad, APP for the Respondent – State.

Ms. Pooja Dave i/by K.N. Pandey for Respondent Nos.1 & 2.

PSI Mr. C.D. Dalvi, Kasturba Marg Police Station, Mumbai, present.

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

DATE : 7th MARCH, 2024.

P.C.:

1. The Petitioner is a doctor by profession. The First Information Report (for short 'FIR') dated 18.12.2023 is registered with Kasturba Marg Police Station, Mumbai, vide C.R. No.973 of 2023.

2. The case of the complainant is that the accused had obtained huge amount from two victims for the purpose of securing admission in medical college.

3. Learned Advocate for the Petitioner submitted that the Petitioner is a doctor by profession. Since admission could not be

secured, the amount which was obtained from the victims has been returned to them. There was no intention to deceive the victim.

4. Learned Advocate Ms. Pooja Dave appearing for Respondent Nos.1 & 2 submitted that in view of settlement between the parties and since the amount is returned to Respondent Nos.1 & 2, the FIR registered against the Petitioner can be quashed.

5. Learned A.P.P submitted that the charge-sheet is not yet filed. In the present case, Respondent Nos.1 & 2 are the victims and no other victim is involved.

6. The Respondent Nos.1 and No.2 are present in the Court. They have filed affidavit of consent for quashing the FIR. They have no objection for quashing the FIR. In the affidavit dated 06.03.2024 it is stated they have no claims pending against the Petitioner accused and that the matter has now been settled and no further claim remains to be satisfied either by the Petitioner or any other accused. They give irrevocable consent towards quashing the FIR No.973 of 2023 dated 18.12.2023. The affidavit is taken on record.

7. Since the parties have resolved the dispute and the victims have no claims against the Petitioner, the impugned FIR can be quashed.

ORDER

i. Criminal Writ Petition No.743 of 2024 is allowed and disposed off;

ii. The FIR dated 18.12.2023 registered with Kasturba Marg Police Station, Mumbai, vide C.R. No.973 of 2023 is quashed and set aside;

iii. The Petitioner shall pay cost of Rs.50,000/- to Advocates Association of Western India Generation Next within a period of three weeks from today. The Account details are as under:

Account Name	: Advocates Association of Western India Generation Next
A/c No.	: 000110110007807
Bank Name	: Bank of India
Branch Name	: Mumbai Main
IFSC Code	: BKID0000001

iv. The receipt of payment of cost be produced in the Registry of this Court within one week thereafter;

v. List the application for reporting the compliance after five weeks.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)