

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

CRIMINAL APPLICATION NO. 217 OF 2024

Mrugesh Kothari

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

....

Mr. Gosavi Sunil Shivgir, Advocate for the Applicant.

Mr.M.S. Mulla for Respondent No.2.

Mrs. M.M.Deshmukh, Addl.PP for the Respondent No.1– State.

A.PI.Mr. Ranjitsingh Thakur, Kasturba Marg Police Station, Borivali, Mumbai.

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

DATE : 15th APRIL, 2024.

P.C.:

1. The Applicant is charge-sheeted for offence under Sections 420, 379, 465, 467, 468, 471 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered on 31.12.2020 with Kasturba Marg Police Station, Mumbai vide C.R. No.1226 of 2020 at the instance of the mother of Applicant and Respondent No.2.

2. It was alleged that on 23.12.2020, the accused took away the cheque bearing No.452333 from the bag of the complainant

without her consent and forged her signature and transferred an amount of Rs.24,00,000/- into his account.

3. Learned Advocate for the Applicant and Respondent No.2 submitted that the dispute has been settled. The complainant has passed away during the pendency of proceedings. The Respondent No.2 is sister of Applicant. They have one brother, who is of unsound mind. The parties have executed the Consent Terms. The Respondent No.2 has no objection for quashing the proceedings.

4. The Respondent No.2 was present in the Court on the last date of hearing. She has filed an Affidavit for quashing the proceedings. The Consent Terms are annexed to this application. The Affidavit is taken on record.

5. On perusal of the Consent Terms and the Affidavit of Respondent No.2 it is apparent that there was dispute between the Applicant, Respondent No.2 and their mother. They have resolved their dispute.

6. Considering the nature of dispute and the relationship between the parties and since the dispute is resolved, the impugned proceedings can be quashed.

ORDER

- i) Criminal Application No.217 of 2024 is allowed and disposed off;

ii) Criminal Proceedings in PW/4997/2023 pending before the learned Metropolitan Magistrate, Borivali, Mumbai which are arising out of FIR No.1226 of 2020 dated 31.12.2020 registered with Kasturba Marg Police Station, Mumbai, is quashed and set aside;

iii) The Applicant shall pay cost of Rs.25,000/- to Advocates Association of Western India Generation Next within a period of four 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 six weeks.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)