

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 228 OF 2022

Amandeep Singh Ranbir Singh Chhabra ... Applicant

Versus

The State of Maharashtra and Ors. ... Respondents

.....

Ms. Neeta Parikh for Applicant.

Ms. S.E. Phad, APP for State.

Mr. P.A. Narayanan for Respondent No.2.

.....

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

DATED : 29th FEBRUARY 2024

P.C. :-

1. The parties have resolved the dispute. It is jointly prayed that the proceedings filed against the Petitioners may be quashed with the consent of the Complainant.
2. The First Information Report was filed on 17th May, 2021 with Kundal Police Station, Dist. Sangli for the offences under Sections 420, 406, 507 of the IPC. The grievance of the complainant is that the complainant was cheated by the accused for an amount of Rs.7,31,770/-.
3. It is submitted that, the parties have settled the dispute. The Complainant had issued letter dated 13th September, 2021 stating that the payment of milk supplied from Kranti Milk Processing Coop. Society Ltd. Kundal is accounted, also the rate difference amount of Rs.2 lakh during the period of February- March, 2021 and rest of the payment is

received to them. There is no outstanding account balance towards National Dairy Jogeshwari.

4. The complainant has filed an Affidavit of Consent stating that the differences are buried over and the parties have voluntarily reached an amicable settlement. Respondent No.2 has received entire balance amount, which was outstanding from the Applicant. In lieu of receipt of entire dues, the Respondent No.2 has issued no-dues letter dated 13th September, 2021. The Deponent has directed the Society by resolution dated 17th February, 2022 to discontinue with the criminal proceeding and therefore, Respondent No.2 decided to put an end to the criminal proceedings of R.C.C. No. 189 of 2021 pending before the Learned Civil Judge (Junior Division) and Judicial Magistrate (First Class) at Palus, Dist. Sangli and further stated that the Deponent is filed the affidavit without coercion or undue influence. Respondent No.2 is represented by the Advocate. It is submitted by the Advocate that in view of the settlement arising between the parties, Respondent No.2 has no objection if the FIR is quashed and set aside.

5. This Application was initially heard on 1st April, 2022 and presence of the parties in the Court and the fact that the matter has been resolved by the parties were recorded. The parties were present in the Court and the Affidavit was filed, the presence of the parties was dispensed with on the next scheduled date. It is submitted that today Respondent No.2 is not present. Presence was dispensed with since the matter is settled, the proceedings may be quashed.

6. Considering the fact that the parties have resolved the dispute and the dues of Respondent No.2 were cleared, the impugned proceedings can be quashed.

ORDER

- (i) Criminal Application 228 of 2022 is allowed.
- (ii) The Proceeding in RCC NO. 189 of 2021 pending before the Court of Civil Judge Junior Division and Judicial Magistrate First Class at Palus, District Sangli arising out of CR No. 66 of 2021 registered with Kundal Police Station, Sangli are quashed and set aside.
- (iii) The Applicant shall pay the cost of Rs.10,000/- to the Advocates' Association of Western India Generation Next within a period of three weeks from today and submit the receipt of the same in the Registry of this Court. The details of the bank account for payment are as under:

Account Name	:	Advocates' Association of Western India.
Account Number	:	000110110007807
Bank Name	:	Bank of India
Branch Name	:	Mumbai Main
IFSC Code	:	BKID0000001

(N.R. BORKAR, J.)**(PRAKASH D. NAIK, J.)**