

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 318 OF 2022

Aditya Ramnivas Dhoot and Ors. ... Applicants

Versus

The State of Maharashtra and another ... Respondents

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Mr. S.R. Samel a/w. P.K. Sanghrajka for Applicants.

Mr. V.A. Kulkarni, APP for the State.

Mr. Rahul Sanklecha for Respondent No.2

PSI Tambe, MIDC Police Station, Andheri is present.

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

DATED : 29th FEBRUARY 2024

P.C. :-

1. The Applicants are challenging the First Informant Report dated 24th November, 2021 registered with MIDC Police Station, Andheri, Mumbai vide C.R. No. 933 of 2021 for the offences under Sections 408, 420, 465, 468, 471 r/w. 34 of IPC.

2. The First Information Report was registered on 24th November, 2021 at the instance of Respondent No.2. It is alleged that the accused had cheated the Complainant Company by not returning amount along with the interest.

3. It is jointly submitted that the parties have resolved the dispute. Consent terms were executed during the pendency of the Application for anticipatory bail before this Court. The Complainant has filed an Affidavit of Consent for quashing the impugned First Information

Report. In the Affidavit, it is stated that, the Complainant Company has accepted lumpsum amount of settlement of Rs.20,00,000/- against the entire amount alleged in the FIR as full and final one time settlement amount. The Complainant have no objection if the proceedings arising in C.R. No. 933 of 2021 are quashed and set aside.

4. It is pointed out that Accused No.4 had expired. The said fact is verified by the Investigating Officer.

5. Learned APP submitted that on completing the investigation, 'C' Summary Report has been submitted to the Court in the year 2022.

6. By Order dated 7th June, 2023, it was recorded that Respondent No.2 / complainant is present in the Court. He was identified by the Advocate representing him and the Aadhar Card of Respondent No.2 was placed on record. The complainant had also stated that he has no grievance against the Applicants as they have already paid Rs.20,00,000/- as one time settlement against the claim put forth in the FIR and he has received the said amount. Respondent No.2 has stated that whatever stated in the Affidavit is accepted to him and he shall stand by the same. The Respondent No.2 is not present in the Court today. Advocate for Respondent No.2 is present. We took note of previous statement of Respondent No.2 referred to in aforesaid Order.

7. Considering the fact that the parties have settled the dispute and since the Complainant has no objection to quash the First Information Report, the reliefs sought in the Application can be allowed.

Order

(i) Criminal Application No.318 of 2022 is allowed.

(ii) First Information Report 933 of 2021 registered with MIDC Police

Station, Andheri, Mumbai is quashed and set aside.

- (iii) In these proceedings since the First Information Report is quashed, the proceedings in the form of 'C' Summary Report pending before the Learned Magistrate stands disposed of.
- (iii) The Applicants shall pay the cost of Rs.25000/- each 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.)