

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1418 OF 2022

Makarand Shree Sathe ... Petitioner
Versus
The State of Maharashtra and anr. ... Respondents

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Mr. Chaitanya Pendse a/w Ateet Mhambuey i/b Shreyas Shete
and Tanvi Rathod for the Petitioner.
Ms. Rutuja Ambekar, APP for the State.
Mr. Dharmesh Joshi a/w Harshni Shah i/b T. D. Joshi and
Associates for Respondent No. 2.

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

DATED : 13.03.2024

P.C. :-

Not on board. Upon mentioning, taken on production
board.

2. The petitioner challenges the FIR dated 07.11.2019
registered with Vile Parle Police Station vide Crime No. 432 of
2019 for offence under Section 420 of the Indian Penal Code.

3. The complainant had alleged that the accused had
misappropriated the amount of Rs. 11,70,556/-, which was
given for the purpose of booking the resort.

4. It is submitted that parties have resolved the dispute. The amount is returned to the complainant. The complainant has no objection for quashing the FIR.
5. The complainant is present through VC. He has expressed his consent for quashing the FIR. The complainant has filed an affidavit stating that he has received an amount of Rs. 14,70,000/- from the petitioner and he does not intend to prosecute the petition. He has no objection for quashing the FIR. The affidavit is taken on record.
6. Considering the fact that the FIR relates to the money transaction, which has been resolved and the amount has been refunded to the complainant, the FIR can be quashed.

ORDER

- (I) Writ Petition is allowed.
- (ii) The FIR dated 07.11.2019 registered with Vile Parle Police Station vide Crime No. 432 of 2019 for offence under Section 420 of the Indian Penal Code is quashed and set aside.
- (iii) The petitioner shall pay cost of Rs. 25,000/- to Advocates Association of Western India Generation Next.
- (iv) The details of the bank account for payment of costs are as under :

Bank Name : Bank of India.
Branch Name : Mumbai Main
Account No. : 000110110007807
IFSC Code : BKID0000001.

(v) Petitioner to deposit the said cost of Rs.25,000/- within a period of three weeks from today and submit the receipt of the same in the Registry of this Court.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)