

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

CRIMINAL APPLICATION NO. 494 OF 2024

Chandrakant Dattatray Deshpande ...Applicant
Versus
1. The State of Maharashtra
2. Anant Vithal Shilimkar ...Respondents

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Mr.Marmik Shah, Advocate for the Applicant.

Mr.Tanmay Karmarkar for Respondent No.2.

Mr. Y. M. Nakhwa, APP for the Respondent No.1– State.

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

DATE : 22nd APRIL, 2024.

P.C.:

1. The applicant is facing prosecution vide R.C.C. No.1401 of 2008 pending before the Court of learned J.M.F.C. Paud, Pune arising out of First Information Report (for short 'FIR') dated 25.02.2007 bearing C.R. No.18 of 2007 for offence under Section 420 r/w Section 34 of Indian Penal Code (for short "IPC").

2. The complainant had alleged that the accused had promised of job being provided to the complainant and induced him to part with an amount of Rs.87,500/-. The promise was not fulfilled and thus the complainant was cheated. It is jointly urged by both the

sides that the parties have settled the dispute. The amount of Rs.87,500/- has been returned to the complainant and the complainant has no grievance against the applicant.

3. The applicant was tried for the aforesaid offence. He was convicted vide Judgment and order dated 23.11.2021 for offence under Section 420 of IPC and sentenced to suffer imprisonment for three years. The aforesaid Judgment and order passed by the the learned J.M.F.C. Paud, Pune was challenged by the applicant before the Court of Sessions by preferring Criminal Appeal No.230 of 2021. The appeal was allowed vide order dated 12.12.2023 and the matter was remanded back to the trial Court for further consideration as the first informant was not cross examined.

4. The complainant is represented by the Advocate. He has filed an affidavit of consent. He has no objection for quashing the impugned proceedings. The complainant has undertaken that the amount of Rs.87,500/- has been returned to him by the accused.

5. Considering the nature of dispute and the fact that the amount of Rs.87,500/- has been returned to the complainant, the proceedings can be quashed.

ORDER

- i) Criminal Application No.494 of 2024 is allowed and disposed off;

ii) Criminal Proceedings in R.C.C. No.1401 of 2008 pending before the learned J.M.F.C. Paud, Pune, which are arising out of FIR No.18 of 2007 registered with Paud Police Station, Pune is quashed and set aside.

iii) The Applicant shall pay cost of Rs.30,000/- 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.)