

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4846 OF 2021**

Dhananjay V. Gawade ...Petitioner
Versus
1. The State of Maharashtra
2. Pramod M. Dalvi ...Respondents

Mr. Sachin Pawar for the Petitioner
Mr. Y.M. Nakhwa, APP for the Respondent/State.
Mr. Waqar Pathan i/b Mr. Vaibhav Karnik for Respondent No.2.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.
DATE : 22.04.2024.**

PC:-

1. Not on board. Upon mentioning, taken on production board.
2. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure is filed to quash the First Information Report (FIR) No.55 of 2018 dated 5.3.2018 registered with Kasarvadavli Police Station, Thane for the offences punishable under Sections 385, 387 read with 34 of the Indian Penal Code, Section 3 read with Section 25 of the Indian Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act.
3. The aforesaid crime came to be registered against the petitioner at the instance of respondent No.2/complainant. According to the complainant, pursuant to complaint made by him to Income Tax authorities against the petitioner, a raid was

conducted and Rs.1,15,00,000/- were seized from the vehicle of the petitioner. It is alleged that as no crime was registered against the petitioner, he was required to file application under Section 156(3) of the Cr.P.C. According to the complainant, on the date of incident, which took place on 18.2.2018, two unknown persons demanded Rs.2,00,00,000/- at the instance of petitioner and threatened him of dire consequences, if their demand is not met. They told him that the petitioner had suffered loss due to complaint lodged by him and he will have compensate the petitioner for the said loss.

4. The quashing of FIR is sought on the ground that there has been an amicable settlement between the parties and respondent No.2 is no longer desirous of prosecuting the case in question.

5. The learned counsel for the petitioner and respondent No.2 jointly submit that the parties have amicably settled their dispute. It is submitted that respondent No.2 and the petitioner are members of the same political party and due to some misunderstanding report was lodged. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties.

6. The respondent No.2, who is identified by his Advocate, confirms the contents of Affidavit dated 11.09.2023 wherein he has stated that he has no objection if the criminal case in question against the petitioner is quashed.

7. We have perused the FIR. Admittedly, two unknown persons, who allegedly demanded money on behalf of the petitioner could not be traced out. In view of the settlement between the parties, respondent No.2 is not going to support the prosecution case and therefore, the possibility of conviction is remote and bleak. Considering overall facts and circumstances, it would be expedient to quash the FIR. In the result, the following order is passed.

ORDER

A] Criminal Writ Petition is allowed.

B] The impugned FIR No.55 of 2018 dated 5.3.2018 registered with Kasarvadavli Police Station, Thane for the offences punishable under Sections 385, 387 read with 34 of the IPC, Section 3 read with Section 25 of the Indian Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act against the petitioner is quashed and set aside, subject to payment of costs of Rs.50,000/-.

C] The petitioner shall pay the costs to the Advocates' Association of Western India Generation Next within a period of three weeks from today and submit the receipt of same in the Registry of this Court. The details of the bank account for payment of costs are as under:

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

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)