

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2598 OF 2019

Gajanan Rangrao Yadav ...Petitioner
Versus
The State of Maharashtra ...Respondent

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Mr. Sanjiv Sawant a/w Bhakti i/by G. B. Pawar, Advocate for the
Petitioner

Ms. Prachita Vare i/by Mr.Prakash Vare for Respondent No.2.

Ms. Rutuja Ambekar, APP for the Respondent – State.

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

DATE : 20th MARCH, 2024.

P.C.:

1. Not on board. Taken on Board.
2. Leave to amend to implead the complainant as Respondent No.2. Amendment may be carried out forthwith.
3. The petitioner is charge-sheeted for offences under Section 420 of Indian Penal Code, 1860 vide CC No. 2109/PW/2021 pending before the learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai. The proceedings are arising out of FIR dated 19th February 2019 registered with Kherwadi Police Station vide C.R.

No. 45 of 2019. The FIR was registered at the instance of Respondent No.2.

4. It is submitted that the dispute arises in relation to money transactions. Parties have settled the dispute. They have executed consent terms. The complainant has no objection for quashing the impugned proceedings.

5. The complainant is present in the Court. He is represented by Advocate. Affidavit of consent filed by complainant is taken on record. In the consent terms it is stated that, vide order dated 13th June 2019, the petitioner has deposited an amount of Rs.25 lakhs in this Court in two installments of Rs.10 lakhs and 15 lakhs. The amount was directed to be transferred to the trial Court. It is agreed that, the amount is lying in this Court. The said amount be allowed to be withdrawn with accrued interest by respondent No.2/complainant. In the event the amount is transferred to the trial Court the respondent No.2/complainant is entitled to withdraw the said amount of Rs.25 lakhs with accrued interest and the petitioner would consent for withdrawal of the said amount by the complainant. The petitioner has handed over the original receipt of depositing the amount to Respondent No.2. Copies of the receipts of depositing the amount are taken on record.

6. Since the dispute relates to money transaction and parties have settled the dispute, the consent affidavit is filed by complainant and since the complainant has no objection for quashing the impugned proceedings, relief sought in this petition can be granted.

ORDER

- (i) Criminal Writ Petition No.2598 of 2019 is allowed;
- (ii) The impugned proceedings vide CC No. 2109/PW/2021 pending before the learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai arising out of FIR dated 19th February 2019 registered with Kherwadi Police Station vide C.R. No. 45 of 2019 is quashed and set aside against the petitioner.
- (iii) The petitioner shall pay the cost of Rs.10,000/- to Advocates' Association of Western India Generation Next within a period of two weeks from today and submit the receipt of the 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

(iv) Petitioner stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)