

Versus

2. Sunita Goenka ... Respondents

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Mr. Arosakar, PI, EOW, Mumbai, Present.

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**CORAM : SMT. ANUJA PRABHUDESSAI &
N.R. BORKAR, JJ.**

DATED : 11 JANUARY 2024

P.C. :-

The petitioners seek to quash FIR/Crime No. 725 of 2021 registered with MRA Marg Police Station, which was later transferred to EOW, Mumbai and renumbered as EOW CR No. 102 of 2021 for offence under Section 420 r/w 34 of the Indian Penal Code and Sections 3, 4 of the MPID Act.

2. The aforesaid crime was registered pursuant to the First Information Report lodged by the respondent No. 2, who is a trustee in Goenka and Associates Educational

Trust. The facts narrated in the First Information Report reveal that the petitioner had represented to her that there was on going development project by the petitioner No. 1, which needed investors. The petitioner No. 2 had assured 15 to 20 percent interest on the invested amount.

3. In view of representation made by the petitioners, total 24 investors invested an amount of Rs. 7,09,00,000/- with the petitioner No. 1.

4. The petitioners initially paid the interest, but later failed to pay the interest and also failed to return the principal amount. On the basis of these allegations, the aforesaid crime came to be registered.

5. Learned counsel for the petitioner as well as respondent No. 2 state that the matter has been amicably settled and that the petitioner has refunded the amount to all the investors. The respondent No. 2 as well as 24 investors have filed their affidavit stating that they have received their money with interest invested with the petitioner No. 1.

6. The Investigating Officer, who is present before the Court states that all the investors including the respondent No. 2 have made a statement that they have received money and that their supplementary statement to that effect has been recorded.

7. Since the dispute is of a personal nature and parties have settled the matter amicably, no fruitful purpose will be served by continuing the prosecution. Hence, the Petition is allowed.

8. The FIR/Crime No. 725 of 2021 registered with MRA Marg Police Station, which was later transferred to EOW, Mumbai and renumbered as EOW CR No. 102 of 2021 for offence under Section 420 r/w 34 of the Indian Penal Code is hereby quashed subject to payment of cost of Rs. 1 Lakh to be paid by the petitioner to the Tata Memorial Hospital, Mumbai within a period of one week from today.

9. Matter be listed for compliance on 18 January 2024.

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JADHAV
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(N.R. BORKAR, J.) (SMT. ANUJA PRABHUDESSAI, J.)