

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

CRIMINAL APPLICATION NO. 1007 OF 2021

Ritesh S/o. Gaurishankar Agrawal and anr.	 Applicants
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Mateen Shaikh a/w. Ms. Muskan Shaikh and Mr. Muzammil Shaikh for the Applicants.

Ms. Rutuja Ambekar, APP for the State.

Mr. Shirish Ganpat Shigwan a/w. Mr. Sanjay Kolhe for R.No.2.

Respondent No.2 present in Court.

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

DATED : 04th JANUARY, 2024.

P. C. :-

. Learned counsel for the Applicants seeks leave to implead Santosh Suresh Gunjal as Applicant No.2 and to amend the prayer clause (a). Leave granted. Amendment to be carried out forthwith.

2. By this Application filed under Section 482 of the Criminal Procedure Code, the Applicants seek to quash the FIR No.166/2021 registered at Sanghvi Police Station, Pimpri-Chinchwad and consequent R.C.C.No.615/2022 pending before the learned JMFC Court, Pimpri for the offences punishable under sections 406, 420 r/w. 34 of the

Indian Penal Code.

3. The aforesaid crime was registered pursuant to the FIR lodged by the Respondent No.2. The facts narrated in the FIR indicate that the first informant was interested in purchasing a flat. It is stated that the Applicant No.1 had shown to the first informant a flat owned by him. He has received earnest money of Rs.1,25,000/-. Subsequently, Applicant No.1 sold the flat to another person. Hence, the FIR.

4. Learned counsel for the Applicants and the Respondent No.2 submit that the parties have now settled the dispute amicably. The Applicant No.1 has already deposited before this Court an amount of Rs.1,75,000/-. Respondent No.2 has filed his affidavit stating that he does not wish to proceed against the Applicants. He has sought leave to withdraw an amount of Rs.1,75,000/- deposited by the Applicants before this Court. Learned counsel for the Applicants has given no objection if an amount of Rs.1,75,000/- is paid to the Respondent No.2.

5. Considering the nature of the accusations and in view of the settlement arrived between the parties, in our considered view, this is a fit case to exercise discretion under Section 482 of Cr.P.C. and to quash

the FIR. Hence, the Application is allowed in terms of prayer clause (a). FIR No.166/2021 registered at Sanghvi Police Station, Pimpri-Chinchwad and the consequent R.C.C.No.615/2022 pending before the learned JMFC Court, Pimpri, stands quashed subject to payment of costs of Rs.20,000/- to be paid by the Applicants to Maharashtra Central Police Welfare Fund, within a period of 07 days from the date of this order. Respondent No.2 is permitted to withdraw an amount of Rs.1,75,000/- deposited by the Applicants before this Court.

6. Stand over to **11/01/2024** for compliance.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

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