

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3343 OF 2023

Prathmesh Rajendra Patole S-o Rajendra Patole ...Petitioner

Versus

1. The State Of Maharashtra

2. Mr. Ajay Jagdishmitra Saini

...Respondents

Mr.Jyotiram Deshmukh a/w Mr.Sukrut Mhatre Advocate for Petitioner.

Mr.Sandeep J. h/f Mr.Hitesh C. Dabhi Advocate for Respondent No.2.

Mr.A. S. Shalgaonkar, APP for Respondent-State.

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

DATE : 14th MARCH 2024

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P.C.:-

1. The petitioner challenges the First Information Report dated 22nd February 2019 with Malwani Police Station, Mumbai vide C.R. No.198 of 2019 for offences punishable under Sections 406, 420, 465, 466, 467, 468, 471, 506(2) read with 34 of the Indian Penal Code, 1860.

2. The grievance of the complainant is that amount of Rs.46,64,980/- was accepted by the accused from him for delivery of the car but the car was not delivered. FIR was registered on 12th February 2019. Charge-sheet is not filed.

3. Learned APP submits that co-accused is absconding.

4. There is amicable settlement between the petitioner and Respondent No.2. Consent terms are executed between them. The complainant has no

objection for quashing the FIR. The complainant is present through V.C. He has expressed his consent for quashing the impugned FIR. The complainant has filed consent affidavit for quashing the FIR.

5. We have perused the consent terms as well as consent affidavit. The affidavit indicate that there is settlement between the complainant and the accused.

6. It is submitted that, the amount of Rs.13,40,000/- was deposited in this Court pursuant to the order dated 13th October 2021. It is not yet transferred to trial Court. The complainant/Respondent No.2 may be permitted to withdraw the amount from this Court. The petitioner has no objection for such withdrawal. If the amount is transferred to the trial Court, the Respondent No.2/complainant is permitted to withdraw the amount from trial Court. If the amount is lying in this Court, the complainant can withdraw the same from this Court.

ORDER

- (i) Criminal Writ Petition No.3343 of 2023 is allowed;
- (ii) The impugned First Information Report dated 22nd February 2019 with Malwani Police Station, Mumbai vide C.R. No.198 of 2019 qua petitioner is quashed and set aside.
- (iii) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)