

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5777 OF 2021**

1	Sambhaji K. Mali		
2	Annasaheb C. Satav		
3	Nagnath K. Hande		...Petitioners
	Versus		
1.	State of Maharashtra		
2.	Smt. Priya S. Mali		...Respondents

Mr. V. R. Garad for the Petitioners.

Ms M.M. Deshmukh, APP for the Respondent/State.

Mr. Machhindra A. Patil i/b Mr. Jaydeep Shringare for Respondent No.2.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**
DATE : 21.03.2024.

PC:-

1. Petitioner No.1 is the husband of respondent No.2. petitioner Nos.2 and 3 are servants of petitioner No.1.

2. The petitioners are challenging the proceedings in C.C.No.357/PW/2020 pending before the Court of learned J.M.F.C. Madha, Dist. Solapur. The proceedings are arising out First Information Report dated 16.02.2020 registered with Kurduwadi Police Station vide C.R. No.63 of 2020 for offences under Sections 457 and 380 of the Indian Penal Code.

3. The case of the prosecution is that respondent No.2 lodged the complaint that some unknown persons had committed theft of goods belonging to her and petitioner No.1. During the course of investigation, it was revealed that the

petitioners were responsible for removing goods to represent that the goods are stolen to facilitate them to claim insurance from the Insurance Company. Hence, the petitioners were impleaded as accused.

4. Learned Advocate for the petitioners and learned Advocate for respondent No.2 submitted that the proceedings may be quashed with the consent of respondent No.2.

5. Respondent No.2 is present in the Court. She has filed the affidavit of consent for quashing the FIR and the charge-sheet. The affidavit is taken on record.

6. Learned APP submitted that the proceedings may not be quashed with the consent of complainant as the complainant is the wife of petitioner No.1. The petitioners were attempting to deceive the Insurance Company by falsely claiming insurance by showing that the goods are stolen.

7. Learned Advocate for the petitioners submitted that although it is the case of the prosecution that the motive of the accused was to make false claim of insurance. There was no attempt by the petitioners to claim such insurance. No purpose would be served by prosecuting the petitioners. No loss is caused to the Insurance Company.

8. We have perused the First Information Report and the Charge-sheet. It is true that the petitioner No.1 and his employees tried to pretend that the goods were stolen and

they were attempting to claim insurance. However, they did not file any requisition for claiming insurance. Considering the factual aspect as stated above, the proceedings can be quashed.

ORDER

A] Criminal Writ Petition is allowed.

B] The proceedings in C.C.No.357/PW/2020 pending before the Court of learned J.M.F.C. Madha, Dist. Solapur arising out First Information Report dated 16.02.2020 registered with Kurduwadi Police Station vide C.R. No.63 of 2020 are quashed and set aside, subject to payment of costs.

C] The petitioners shall pay cost of Rs.1,00,000/- to the Central Police Welfare Fund, Director General of Police, Maharashtra State, Mumbai within a period of four weeks from today and submit receipt of the same in the Registry of this Court. The details of the bank account for payment of costs are as under:

Bank Name	:	Axis Bank Ltd.
Branch Name	:	Worli, Mumbai (MH), Mumbai-400025
Account Name	:	Central Police Welfare Fund
Account Number	:	914010029005759
IFSC Code	:	UTIB0000060

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)