

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3904 OF 2023****Ranjit Nikhil Biswas****...Petitioner****Versus****The State of Maharashtra and Anr.****...Respondents**

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Mr. Raju R. Barai Advocate for Petitioner.

Mr. Chetan Alai a/w Mr. Atmaram Patade, Ms. Shalaka Shinde, Pranav Manjrekhar, Suraj Naik, Arya Shirodkar, Rama Subhedar i/by Atmaram Patade Advocate for Respondent No.2.

Mr. V. A. Kulkarni, APP for the Respondent – State.

Respondent No.2 is present in the Court.

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

DATE : 23rd APRIL 2024

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P.C.:-

1. The Petitioner challenges the FIR dated 6th October 2023 registered with Aarey Police Station, Mumbai vide C.R. No.209 of 2023 for offences under Sections 419, 420, 471 of the Indian Penal Code, 1860 and Sections 66(C) and 66(D) of the Information Technology Act, 2000.
2. The case of the prosecution is that, he is holding the account with ICICI Bank. While scrolling the information on website, he read information about Ranjit Biswas, Former Director, Education Counselor. The information was provided that, he would provide assistant for getting

admission in Doctorate, Degree etc. The complainant gave call to that person. He was informed that Mr. Biswas, is president of Educational Trust and conducting educational institutions. He is educational counselor and arranges the admission in India and abroad in Government and private institution. He also provided the information of courses/degrees. The complainant has informed that, he intends to pursue doctorate in IT. The accused represented that he has provided admission to several persons for directorate in IT. The accused also informed that he had connection in several universities. The complainant was informed that he will have to pay fess of Rs.7,50,000/-. The complainant transferred the amount. Subsequently, the complainant realized that, he is being deceived by the accused. He demanded the money. It was parted to the accused. The complainant was cheated for an amount of Rs.7,39,500/-.

3. The respondent No.2 was arrested on 20th October 2023. He was granted bail by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai vide order dated 22nd November 2023. Order granted bail indicate that, the complainant had appeared before the Court and filed affidavit stating that, he has received all amount from the accused and he has no objection for granting bail.

4. It is submitted by both the sides that, there is settlement between the parties. The amount has been returned to the complainant. FIR may be

quashed.

5. The complainant is present in the Court. He has filed affidavit. He is represented by Advocate.

6. Vide affidavit dated 11th December 2023, the complainant has stated that the dispute between him and the petitioner is amicably settled and he has agreed to withdraw his complaint/allegations against petitioner. He has received the amount of Rs.7,39,500/- from the petitioner. He is giving consent for quashing the FIR.

7. From the documents on record it can be seen that, the parties have resolved the dispute. The complainant had supported the application for bail preferred by petitioner. The complainant has received the money. He has no objection for quashing the FIR.

8. In view of settlement between the parties, we are inclined to quash the impugned FIR.

ORDER

(i) Criminal Writ Petition No. 3904 of 2023 is allowed;

(ii) The impugned dated 6th October 2023 registered with Aarey Police Station, Mumbai vide C.R. No.209 of 2023 is quashed and set aside.

(iii) The petitioner shall pay costs of Rs.20,000/- to Advocates Association of Western India Generation Next within a period of three weeks 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) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)