

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

CRIMINAL WRIT PETITION NO. 925 OF 2024

Hemal Chandrakant Shah ..Petitioner
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. A. M. Moorthy, for Petitioner.
Mr. Anand S. Shalgaokar, APP for State/Respondent.
Ms. Smita S. Golwat, for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.**

DATE : 4 DECEMBER 2024

PC :

1. The petitioner seeks quashing of the F.I.R. registered vide the C.R.No.1594 of 2023 dated 19.10.2023, with Hadapsar police station, Pune, for the offences punishable under sections 406,407,420,426 and 427 of the I.P.C., and the other criminal proceedings arising therefrom.

2. The petitioner and the Respondent No.2 were acquainted with each other. It is the allegation of the Respondent No.2 in the F.I.R. that the petitioner had induced her to handover an amount of Rs.5 lakhs to the petitioner for the purpose of

investment of the said amount. The petitioner had assured her that he would pay her 18% to 20% interest on the said investment. According to her, the petitioner had developed her confidence in him and because of that she had parted with the said amount. She has further stated that, thereafter the petitioner neither gave her the principal amount nor he gave any interest on the same. Thus, the petitioner has committed the offence of cheating. The investigation was completed and the charge-sheet came to be filed.

3. In the meantime, the parties have decided to settle the matter amicably. The Respondent No.2 is present before the Court and she is identified by her learned counsel. She has filed her Affidavit dated 04.12.2024 on record duly affirmed before the Notary public. She has stated in her affidavit that she has received the principal amount of Rs.5 lakhs from the petitioner pursuant to the Court order passed by the J.M.F.C. Court, Pune, in R.C.C.No.826 of 2024. She has also stated that the petitioner has agreed to pay the interest amount of Rs.4 lakhs by Demand Draft, today. She acknowledges the receipt of the said amount, as well. In this situation, considering that the dispute between the parties is

purely personal in nature and there was no adverse effect on the society at large, we are inclined to quash the impugned F.I.R. and the criminal proceedings arising therefrom.

4. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide the C.R.No.1594 of 2023 dated 19.10.2023, with Hadapsar police station, Pune, for the offences punishable under sections 406,407,420,426 and 427 of the I.P.C., and the other criminal proceedings arising therefrom, are quashed and set aside.
- ii) The Petitioner shall pay a cost of Rs.10000/- for setting the police machinery in motion and the efforts that the investigating agency has put in for investigating the matter.
- iii) The cost shall be paid to the Central Police Welfare Fund within a period of four weeks from the date of uploading of present order on the official website of the High Court of Bombay.

I. Details of the bank account for payment of cost are as under:

Bank Name : Axis Bank Limited.
Branch Name : Worli, Mumbai (H.H.)
Mumbai-400025
Account Name : Central Police Welfare
Fund
Account No. : 914010029005759
IFSC Code : UTIB0000060

- iv) The petitioner to deposit the said cost of Rs.10000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.
- v) If the cost is paid, there shall be no further reference before this Court. But, if the cost is not paid, the petition be listed for further consideration on 29.01.2025.
- vi) The writ petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)