



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2840 OF 2024

Shri Nainesh Manilal Panchal
Age-37 yrs. Occu: Business,
R/o-Flat No.A/1701, 17th Floor,
Parkwoods, Ghodbandar Road,
Thane (West), Thane-400 615.

.....Petitioner

Vs.

1. The State of Maharashtra,
(Through the Secretary of Home
Department, Govt. of Maharashtra,
Mantralaya, Mumbai).
2. Senior Police Inspector,
Through Kasarvadawali,
Police Station.
3. Shri Manoj Prabhakar Lohar,
Age: 50 Occu:
Residing at 1403, Tower No.2,
Orlis the twins, Luiswadi,
Thane (West), Wagle Estate,
Thane.

.....Respondents

Mr. Sachin Thorat, for the Petitioner.
Smt. Anamika Malhotra, Addl.PP, for Respondents No.1 & 2-State.
Ms. Anuradha Khot, for Respondent No.3.

CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.

DATE : 3rd JULY, 2024.

JUDGMENT (Per Dr. Neela Gokhale) :-

- 1) Rule. Rule is made returnable forthwith and with consent of
the parties, matter is taken up for final disposal.

1.1) Learned APP waives notice on behalf of the Respondents No.1 and 2-State and learned counsel Ms. Anuradha Khot represents the Respondent No.3.

2) The Petitioner seeks to quash and set aside F.I.R.No.846 of 2024 dated 6th May 2024 registered with Kasarvadawali Police Station for offences punishable under Sections 420, 406, 465, 467, 468, 471 and 506 of the Indian Penal Code, 1860 ("IPC").

3) The Petitioner and the Respondent No.3 ("Original complainant") were acquainted with each other through a common friend Shri. Kiran Choudhari. They decided to enter into a partnership and established a shop in Thane under the name and style of 'Unnati Sea Foods'. The business of the said partnership was to sell fish in their said shop. It is alleged that, some dispute arose on account of money exchange between the parties. It is the case of the complainant that, the Petitioner owes him certain amount and despite his request for repayment, had failed to do so. This monitory dispute led him to lodge the impugned F.I.R.

4) It appears that in the interregnum, the parties decided to amicably resolve their dispute. Complainant filed the consent Affidavit dated 3rd July 2024 duly executed between them before a Notary Public. Copy of Demand Draft of Rs. 7,00,000/- dated 11th June 2024 bearing No.322394 drawn on IDFC First Bank Ltd., Thane Hiranandani Branch and copy of Aadhar Card of complainant are filed as additional documents

along with consent Affidavit. Vide the consent Affidavit, the complainant states that he wishes to withdraw the allegations against the Petitioner and is not desirous of pursuing present proceedings/prosecution against him.

5) Learned Advocate for the complainant on instructions reiterates his stand in the Affidavit. He further states that, in view of the settlement, complainant has no objection to quash the F.I.R.No.846 of 2024 dated 6th May 2024 registered with Kasarvadawali Police Station for offences punishable under Sections 420, 406, 465, 467, 468, 471 and 506 of the I.P.C.

6) In view thereof, we are inclined to quash the F.I.R.No.846 of 2024 dated 6th May 2024 registered with Kasarvadawali Police Station for offences punishable under Sections 420, 406, 465, 467, 468, 471 and 506 of the I.P.C.

7) As we expressed our opinion for quashing of the said case, learned Advocate for Petitioner on instructions submitted that, the Petition will pay a cost of Rs.25,000/- to the Central Police Welfare Fund, within a period of two weeks from the date of uploading of this Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

8) We therefore direct the Petitioner to pay a cost of Rs.25,000/- to the Central Police Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

8.1) Details of the bank account for payment of cost are as under :-

Bank Name :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

8.2) Petitioner to deposit the said cost of Rs.25,000/- within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

9) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clauses (a).

10) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the Investigating Officer shall complete the investigation of the present crime expeditiously.

11) List the Petition on board on 22nd July 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)