

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3246 OF 2024**

Yogesh Skandkumar Parmanand,
Age : Adult, Occ.:Service,
Residing at : 503, Khushali CHS,
Plot No. 19, Sector – 16, Koparkhairane,
Navi Mumbai – 400 709.

.....Petitioner

Vs.

1. The State of Maharashtra
Through Nerul Police Station, Navi Mumbai.

2. Devdasan Govindan Nair,
Address : SIES Chowk,
K. A. Subramaniam Road,
Matunga, Mumbai – 400 019.

.....Respondents

Mr. Santosh Shukla a/w Mr. Anasamah Sayed i/b Mr. Abhay Nevagi for the
Petitioner.

Mr. V. N. Sagare, A.P.P. for the Respondent-State.

Mr. Anuj Jaiswal i/b Little & Co. for Respondent No. 2.

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

DATE : 20th AUGUST 2024.

ORDER (Per Dr. Neela Gokhale, J.) :-

1) Petitioner seeks quashing of F.I.R. No. 61 of 2024 dated 10th
February 2024 registered with the Nerul Police Station, Navi Mumbai for
offences punishable under Sections 406 & 420 of the Indian Penal Code,
1860.

2) The Respondent No. 2 is a businessman engaged in running a

company called Pheonix Telecom Private Limited. He is also the Treasurer of a society namely the South Indian Education Society, Matunga, Mumbai having its main office at Matunga, Mumbai. The Petitioner was employed in the said society as Estate Manager. There was some allegation of the Petitioner indulging in embezzlement of funds of the society leading to the filing of present F.I.R.

3) Mr. Santosh Shukla, learned Advocate appears for the Petitioner. Mr. Anuj Jaiswal, learned Advocate appears for the Respondent No. 2 and Mr. V. N. Sagare, learned A.P.P. represents the State.

4) Mr. Jaiswal states that, the F.I.R. was lodged on account of some misunderstanding between the parties. However now they have reconciled their disputes and are desirous of resolving the matter amicably.

5) Both the counsels stated that, the parties have arrived at an amicable settlement and are not desirous of continuing the proceedings. Mr. Shukla therefore prayed that, the said criminal proceedings may be quashed as the Respondent No. 2 has consented for the same. The Respondent No. 2 has filed an Affidavit dated 5th August 2024 to that effect, duly affirmed before a Notary Public.

6) The Respondent No. 2 is present before the Court today. Through his Advocate Mr. Jaiswal, he reiterates the contents of the Affidavit dated 5th August 2024. In paragraph no. 3 thereof the Respondent No. 2 has stated that, he has no objection in quashing the subject F.I.R. and the

statements in the Affidavit are free and unconditional. The statements in the Affidavit are accepted.

7) Mr. Sagare states that, the chargesheet is not yet filed.

7.1) In view thereof, we are inclined to quash F.I.R. No. 61 of 2024 dated 10th February 2024 registered with the Nerul Police Station, Navi Mumbai.

8) As we expressed our opinion for quashing of said F.I.R. No. 61 of 2024 dated 10th February 2024 registered with the Nerul Police Station, Navi Mumbai, Mr. Shukla, learned Advocate for the Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs. 1,00,000/- (Rupees One Lakh Only) to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

9) We therefore direct the Petitioner to pay a cost of Rs. 1,00,000/- (Rupees One Lakh Only) to the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

9.1) The details of the Bank Account for payment of cost are as under :-

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,

New Delhi – 110 011

Account Name :- Armed Forces Battle Casualties Welfare Fund

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

9.2) Petitioner to deposit the said cost of 1,00,000/- (Rupees One Lakh Only) within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

10) In view of the above and subject to payment of cost by the Petitioner, Petition is allowed in terms of prayer clause (a).

11) 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 will complete the investigation of the present crime expeditiously.

12) List the Application on board on 18th September 2024 under caption 'For Reporting Compliance' of present Order.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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KOTAWADEKAR
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