



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.3494 OF 2024**

1. Aashik Ansari  
Aged 42 years, having address at  
S.No.56, Krishna Nagar,  
Muhammad Wadi, Desai Hospital,  
Javal, Pune City, Maharashtra – 411 028.
2. Rushikesh Chavan,  
Aged 25 years, having address at  
Plot No.65, S.No.228, 5, Shubhlaxmi Niwas,  
Mhada Colony, Pune City,  
Pune, Maharashtra – 411 014.
3. Pravin Gadekar,  
Aged 41 years, having address at  
Room No.10, Bhagwan Dhuri Chawl,  
Sambhaji Chowk, New Mill Road,  
Kurla West, Mumbai, Maharashtra – 400 070.
4. Prashant Nikade,  
Aged 45 years, having address at  
Ec-14, C-203/204, Hudson CHS,  
Evershine City, Opp. SBI Bank,  
Evershine City, Vasai (E),  
Thane, Maharashtra – 401 208.
5. Ashutosh Maniar,  
Aged 51 years, having address at  
2215/a Gokul, Hill Drive,  
Near Fulvadi Chowk, Bhavnagar,  
Bhavnagar Takhteshwar, Gujarat – 364 002.
6. Darshan Dhoropal,  
Aged 31 years, having address at  
Plot No.156, Swapna Shrusti,  
Talaja, Bhavnagar Takhteshwar,  
Bhavnagar, Gujarat – 364 002.

7. Bhavin Makwana,  
Aged 33 years, having address at  
Plot No.74, Natural Park,  
Bhavnagar, Subhasnagar,  
Bhavnagar, Gujarat – 364 001. ....Petitioners

Vs.

1. The State of Maharashtra,  
Through Senior Inspector of Police,  
Lonikand Police Station, Pune.
2. Prashant Jadhav,  
Aged 43 years, having his address at  
Flat No.101, Aarav Ambience,  
Behind Maple Hotel, Ubalenagar,  
Taluka Haveli, Lonikand,  
Pune, Maharashtra  
and at  
House No.23, Sadar Bazar,  
Police Station Javal, Bhingar,  
Ahmednagar, Maharashtra – 414 002. ....Respondents

Mr. Kunal Kataria with Ms. Ashmita Goradia & Ms. Vidhi Mehta, i/b. Mr. Aagam Doshi, for the Petitioners.  
Smt. Anamika Malhotra, Addl.PP, for Respondent No.1-State.  
Ms. Devika Kakoo, for Respondent No.2.

**CORAM : A. S. GADKARI AND  
DR NEELA GOKHALE, JJ.**  
**DATE : 13<sup>th</sup> SEPTEMBER, 2024.**

**P.C.:**

- 1) Petitioners seek to quash F.I.R.No.615 of 2023 dated 28<sup>th</sup> July 2023 registered with the Lonikand Police Station, Pune City for offences punishable under Sections 406, 409, 420, 467, 504 and 506 of the Indian Penal Code, 1860 ('IPC') and Section 65 of the Information Technologies Act, 2000.

2) The dispute between the parties arose on account of loss incurred by Respondent No.2 in share trading transactions with the Petitioners as they deceived and cheated Respondent No.2 to invest in their company by committing fraud, making false promise and tampering with the computer software. This led to filing of the F.I.R. impugned herein. We have been informed by the learned counsel appearing for the Petitioners that, till date chargesheet is not filed.

3) Mr. Kunal Kataria, learned counsel appears for the Petitioners and Mr. Devika Kakoo, learned counsel appears for the Respondent No.2. Smt. Anamika Malhotra, learned Addl. P.P. represents the State.

4) Learned counsels of both the Petitioners as well as the Respondent No.2 state that, considering the decision of the parties to resolve their dispute by amicable settlement, Respondent No.2 has filed his consent Affidavit dated 18<sup>th</sup> July 2024 duly affirmed before a Notary Public. In paragraph No.8 thereof, he has given his no objection to quash and set aside the present F.I.R.

5) Though Respondent No.2 is not personally present in the Court, Adv. Ms. Kakoo on his behalf on instructions reiterates the contents of her Affidavit dated 18<sup>th</sup> July 2024 and her 'no objection' for quashing of the crime in question. We accept the statements.

6) Considering the facts in the present case and the consent Affidavit of Respondent No.2, we are inclined to quash F.I.R. No. 615 of

2023 dated 28<sup>th</sup> July 2023 registered with the Lonikand Police Station, Pune City.

7) As we expressed our opinion for quashing the said F.I.R., Mr. Kataria, learned counsel appearing for the Petitioners on instructions submits that, the Petitioners will pay Rs.10,000/- (Rupees Ten Thousand Only) each, totaling to Rs.70,000/- (Rupees Seventy Thousand 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.

8) In view thereof, we direct the Petitioners to pay the cost of Rs.70,000/- (Rupees Seventy Thousand Only) jointly or severally 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 High Court of Bombay.

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

|                |                                                              |
|----------------|--------------------------------------------------------------|
| Bank Name      | :- Canara Bank                                               |
| Branch Name    | :- South Block, Defence Headquarters,<br>New Delhi – 110 011 |
| Account Name   | :- Armed Forces Battle Casualties Welfare Fund               |
| Account Number | :- 90552010165915                                            |
| IFSC Code      | :- CNRB0019055                                               |

- 8.2) Petitioners to deposit the said cost of Rs.70,000/- (Rupees Seventy Thousand Only) within stipulated period as noted above and submit receipt of the same in the Registry of this Court.
- 9) In view of the above and subject to payment of cost by the Petitioners, Petition is allowed in terms of prayer clause(a).
- 10) It is made clear that, if the cost is not paid by either of the parties 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 14<sup>th</sup> October 2024, under caption 'for reporting compliance' of present Order.

**(DR NEELA GOKHALE, J.)**

**(A.S. GADKARI, J.)**