

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3689 OF 2024**

Bhojusingh Ramsingh Girase

Age: 48 years, Occupation: Service,

Address: Row House No.6, Gharkul,

Apart Plot No.91-92,

Tulja Bhavani Mandir Road,

Shivaji Nagar Satpur, Nashik.

.....Petitioner

Vs.

1. The State of Maharashtra,
(Through Mhasrul Police Station).

2. Unnati Yogesh Jain, Age.34 years,
Occu: Share Broker,
Residing at Flat No.1-A, Sai Sanskruti
Apartment, Shivganga Nagar,
Near Omkar Tower, Mhasrul, Nashik.

.....Respondents

WITH

CRIMINAL WRIT PETITION NO. 3690 OF 2024

1. Mangala Ahire @ Mangala Dipak Gaikwad,
Age: 42 years, Occupation: Service,
Address: Saishilpa Apartment No.1,
Shivganganagar, Near Kala Nagar,
Dindori Road, Mhasrul,
Opp. Reliance Petrol Pump Stop,
Tahsil Nashik, Police Station
(Police Thane): Mhasrul Pollice,
Maharashtra – 422 004.

2. Deepak Keshav Gaikwad,
Age: 44 years, Occupation: Service,
Address: Saishilpa Apartment No.1,
Shivganganagar, Near Kala Nagar,
Dindori Road, Mhasrul,

Opp. Reliance Petrol Pump Stop,
Tahsil Nashik, Police Station
(Police Thane): Mhasrul Pollice,
Maharashtra – 422 004.

.....Petitioner

Vs.

1. The State of Maharashtra,
(Through Mhasrul Police Station).
2. Unnati Yogesh Jain, Age.34 years,
Occu: Serving,
Residing at Flat No.1-A, Sai Sanskruti,
Apartment, Shivganga Nagar,
Near Omkar Tower, Mhasrul, Nashik.

.....Respondents

Ms. Maya S. Updeshe with Mr. Pratik Thadani and Adv. Zainab Khan, for the Petitioners.

Mr. Ashish I. Satpute, APP, for Respondent No.1-State.

Ms. Sana Shaikh with Mr. Adil Shaikh, for Respondent No.2.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.
DATE : 12th SEPTEMBER, 2024.**

PC.:

1) Petitioners seek to quash F.I.R.No.128 of 2024 dated 15th May 2024 registered with the Mhasrul Police Station, Nashik City for offences punishable under Section 420 read with 34 of Indian Penal Code, 1860 ('IPC') and Sections 23, 29, 31, 32, 39, 45 and 48 of the Maharashtra Money-Lending (Regulation) Act, 2014.

2) The dispute between the parties arose out of certain loan transactions between the Petitioners in Writ Petition No.3690 of 2024 and the Respondent No.2-First Informant. According to the First Informant, the

Petitioners harassed and threatened her and her family members on the ground that, she was unable to return the money borrowed by her along with exorbitant interest thereon. Hence, she filed the FIR impugned herein. The Investigating Officer has not filed the Final Report till date.

3) Ms. Maya Updeshe, learned counsel appears for the Petitioners and Ms. Sana Shaikh, learned counsel appears for the Respondent No.2. Mr. Satpute, learned APP 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 her consent Affidavit dated 10th September 2024 duly affirmed before a Notary Public in both the Petitions. In paragraph No.10 thereof, she has given her no objection to quash and set aside the FIR and criminal proceedings.

5) Respondent No.2 is not present in the Court. However, on instruction her counsel reiterates the statements made by her in the Affidavit. 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.128 of 2024 dated 15th May 2024 registered with the Mhasrul Police Station, Nashik City.

7) As we expressed our opinion for quashing the said FIR, Ms. Updeshe, learned counsel appearing for the Petitioners on instructions

submits that, the Petitioners will pay Rs.25,000/- (Rupees Twenty Five Thousand Only) each, totalling to Rs.75,000/- (Rupees Seventy Five 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.75,000/- (Rupees Seventy Five 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, 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.75,000/- (Rupees Seventy Five 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 Petitioner and Respondent No.2, Petitions are allowed in terms of prayer clause (b).

10) It is made clear that, if the cost is not paid by either of the parties within stipulated period as mentioned above, the Petitions stand revived automatically and in that event, the trial Court shall proceed with the criminal proceeding expeditiously

11) List the Petitions on board on 3rd October 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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SHIVGAN
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