

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

CRIMINAL WRIT PETITION NO. 4523 OF 2024

Mohammad Mansuri @ Mohammad Asim

Mohammad Shafi Mansuri

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Himanshu Singh for Petitioner.

Mr. Vinod S. Chate, APP for State/Respondent.

Mr. R. R. Mishra for Respondent No.2.

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

DATE : 13 NOVEMBER 2024

PC :

1. This is a writ petition for quashing of the F.I.R. registered vide the C.R.No.1190 of 2023 at Oshiwara police station on 06.12.2023, under sections 406 and 420 of the I.P.C. and U/s.66 and 66(c) of the Information Technology Act.

2. Heard Mr. Himanshu Singh, learned counsel for the Petitioner, Mr. Vinod Chate, learned APP for the State and Mr. Mishra, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2. He has stated that, he was knowing the applicant since 2004. On 01.12.2023 the applicant came to his garage and on some pretext took away his mobile phone. He used that mobile phone and transferred Rs.2,37,098/- from the informant's account to different persons; out of which, Rs.19,999/- were returned by one S.K. Wahid. But the Respondent No.2 lost his amount of Rs.2,17,099/-. On this basis, the F.I.R. was lodged.

4. During the pendency of the investigation, the parties have amicably settled the matter. The Respondent No.2-informant is present before the Court. He has tendered his affidavit through his counsel. The informant is identified by his counsel. The affidavit mentions that the informant has no objection for quashing the F.I.R. The informant who is present in the court also reiterates the same. The dispute between the parties is purely personal in nature. The informant has received back his money. The society at large is not involved. Therefore, there is no impediment in quashing the F.I.R. and further proceedings.

5. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide the C.R.No.1190 of 2023 at Oshiwara police station on 06.12.2023, under sections 406 and 420 of the I.P.C. and U/s.66 and 66(c) of the Information Technology Act is quashed and set aside.
- ii) The writ petition is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)