



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4835 OF 2024

Dinesh Kumar Jat alias

D. K. Choudhari

.....Petitioner

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Sagar R. Jadhav, for the Petitioner.

Mr. Vinod Chate APP, for Respondent No.1-State.

Mr. Saurabh S. More, for Respondent No.2.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 28th NOVEMBER 2024.

P.C.:-

1) This is a Petition for quashing of the F.I.R. registered vide C.R. No.468 of 2023 at Gamdevi Police Station on 1st December 2023 culminating in filing of the chargesheet and Case No.242/PW/2024 before the Metropolitan Magistrate, 40th Court, Girgaon, Mumbai.

2) Heard Mr. Jadhav, learned counsel for the Petitioner, Mr. Chate, learned APP for Respondent No.1-State and Mr. More, learned counsel for Respondent No.2.

3) The F.I.R. is lodged by the Respondent No.2 (the informant). The informant was a partner in the Firm by the name M/s. Dhruv Exim Stockist and Suppliers of Industrial Stainless Steel.

The Petitioner was working as an Accountant with the Firm. The informant used to trust him. While going out for work, he used to leave his cheque book and some signed cheques with the Petitioner. In the month of June, the informant had given a cheque issued on State Bank of India. The Petitioner had told the informant that there was some mistake in the writing on that cheque and therefore it was cancelled. He has made such entry behind the cheque book. In October 2023 The petitioner told the informant that he had lost laptop of Partnership Firm and had also lost the purse containing documents. He had informed the police about that fact. On 21st November 2023, the Petitioner approached the informant and requested for 'Experience Certificate' and the balance salary. He resigned from the job. He gave No Dues Certificate to the informant. On 23rd November 2023, the informant received a message on his mobile phone that by aforementioned cheque an amount of Rs.4,25,000/- was transferred from his account to the account of the Petitioner. The informant was unaware that it was misused by the Petitioner. The informant suspected that the Petitioner would use the other data and documents of the Firm. On this basis, the F.I.R. is filed

4) The investigation was carried out and the chargesheet is

filed. After filing of the chargesheet the matter is settled between the parties. The Respondent No.2 has filed Consent Affidavit. It is mentioned in the Affidavit that he has settled the matter for the amount of Rs.3,25,000/- which he has received through a Demand Draft dated 21st September 2024 drawn on Bank of Maharashtra in favour of Partnership Firm. He has also annexed a copy of the Board Resolution authorizing the Respondent No.2 to file this Affidavit. He has stated in the Affidavit that he has no objection if the F.I.R. and the consequent proceedings are quashed.

5) Respondent No.2 is present in Court today and identified by his Council. Respondent No.2 reiterated the stand taken in the Affidavit and stated before the Court that he has no objection if the proceedings is quashed.

6) The dispute between the parties is purely personal in nature. The society at large is not involved in it. The parties have settled the matter. Therefore, we are inclined to allow this Petition and hence the following order:

ORDER

- i) The Criminal Case No.242/PW/2024 pending before the Metropolitan Magistrate, 40th Court, Girgaon, Mumbai

arising out of F.I.R. dated 1st December 2023 registered vide C.R. No.468 of 2023 at Gamdevi Police Station is quashed and set aside.

ii) The Petition is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)