

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 980 OF 2024**

1. Bajrangprasad @ Bunty Omprakash Kabra,
Age:-36 Years, Occu:- Business,
Address: 14-1-131/1, Seetarampeth,
Panmandi, Mangalhat, Hyderabad-500012,
State: TelanganaApplicant

Vs.

1. The State of Maharashtra,
Through Senior Inspector of Police,
MIDC Police Station, Mumbai
2. Pankajkumar Hastimal Jagawat
Age:- 49 years, Occupation-Business
Address:- Room no.401/402, Navratna
Building, 14th Road, Bandra (W), MumbaiRespondents

Mr. Swapnil Chopade, for the Applicant.

Mr. S.A.Karmakar, APP for Respondent No.1-State.

Mr. Imran Shaikh, for Respondent No.2.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 23rd SEPTEMBER, 2024.

PC.:-

- 1) Applicant seeks quashing of FIR bearing No.80 of 2024 dated 22nd January 2024 registered with MIDC Police Station, Andheri, Mumbai for the offences punishable under Sections 409 and 420 of the Indian Penal Code, 1860 ('IPC') with consent of Respondent No.2, the informant.
- 2) The entire dispute arose out of business transaction between the Applicant and the Respondent No.2. That there was some

misunderstanding relating to the said business transaction between them and thereafter Respondent No.2 lodged the impugned FIR.

3) Mr. Swapnil Chopade, learned counsel appears for the Applicant and Mr. Imran Shaikh, learned counsel appears for the Respondent No.2. Mr. S.A. Karmakar, learned APP represents the State.

4) Learned counsel for the Applicant submitted that, the Applicant and the Respondent No.2 have settled their disputes and differences amicably. That, the Respondent No.2 has therefore given his consent for quashing of the crime in question.

5) Learned Advocate for the Respondent No.2 tendered across the bar his Affidavit dated 1st August 2024, duly affirmed before a Notary Public. Respondent No.2 has admitted therein the fact of amicable settlement of dispute between him and the Applicant in view of Settlement Terms executed between them and therefore, he has given his no objection for quashing of the said crime.

5.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 1st August 2024 and his 'no objection' for quashing of the crime in question.

6) In view thereof, we are inclined to quash the FIR bearing No.80 of 2024 dated 22nd January 2024 registered with MIDC Police Station, Andheri, Mumbai.

7) As we expressed our opinion for quashing of the FIR bearing

No.80 of 2024 dated 22nd January 2024 registered with MIDC Police Station, Andheri, Mumbai, learned counsels for the Applicant and the Respondent No.2, on instructions submitted that, the Applicant and the Respondent No.2 will pay a cost of Rs.50,000/- each to 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) We therefore, direct Applicant and the Respondent No.2 to pay a cost of Rs.50,000/- each 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.

8.1) Details of the bank account for payment of cost are as under :-

Name of Fund :- Armed Forces Battle Casualties Welfare Fund.

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi-110011.

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

Type of Acct :- Saving

8.2) Applicant and the Respondent No.2 to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

- 9) In view of above and subject to payment of cost, Application is allowed in terms of prayer clause (a).
- 10) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Application shall stand revived automatically and in that event, investigation of the crime will be concluded expeditiously.
- 11) List the Application on board 8th October 2024 under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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SHAMBHAVI
NILESH
SHIVGAN
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