

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

CRIMINAL APPLICATION NO. 1102 OF 2024

M/s. Pooja Jewellers through its Proprietor
Mr. Vimal Prakash Jain

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Amit A. Karva for Applicant.
Mr. Ashish I. Satpute, APP for State/Respondent.
Ms. Priya Gajare for Respondent No.2.

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

DATE : 23 OCTOBER 2024

PC :

1. This is an application for quashing of the F.I.R. registered vide the C.R.No. I 88 of 2021 at L.T.Marg police station, Mumbai on 23.03.2021, under sections 409 and 420 of the I.P.C., resulting in Criminal proceedings bearing No.PW/2800006/2022 pending before the Metropolitan Magistrate, 28th Court, Esplanade Court, Mumbai.

2. Heard Mr. Amit Karva, learned counsel for the Applicant, Mr. Ashish Satpute, learned APP for the State and Ms. Priya Gajare, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2. She has stated that she had a jewellery shop for selling the gold ornaments at Zaveri Bazar, Mumbai. One Inder Purohit was employed in her shop. He used to get orders for gold ornaments. In April 2018, Inder started transacting with the applicant who was having his own shop by the name Pooja Jewellers at Dombivali (E). The F.I.R. mentions that there were regular transactions between them and there was no issue of payment initially. In April 2019, the applicant placed an order for three *mangalsutra* which were given to him. Out of the amount of Rs.29,05,000/- he paid substantial amount, but yet an amount of Rs.38,047/- was not paid by him. In September 2019, he purchased one more *mangalsutra* priced at Rs.5,41,953/-, for which, he had given a cheque; which was dishonoured. The price was not paid. There are allegations that the applicant caused loss to the tune of Rs.5,41,953/- to the first informant. On this basis the F.I.R. was lodged. The investigation

was carried out. The charge-sheet contains the statement of the informant, as well as, statement of her employee Inder Purohit.

4. Now the matter is settled between the parties. The first informant-Respondent No.2 has filed her affidavit of consent for quashing of the F.I.R. It is mentioned in the affidavit that the dispute is amicably resolved and she wants to withdraw the complaint filed against the applicant. She is also requesting for quashing and setting aside the F.I.R. and the resultant case. The informant is present in the court. She is identified by her counsel. She reiterates the averments made in her affidavit and states before the Court that the F.I.R. and the resultant case be quashed.

5. The dispute between the parties is purely personal in nature. The society at large is not involved. The dispute is now settled. In this view of the matter the proceedings can be quashed.

6. Hence, the following order:

ORDER

- i) The F.I.R. registered vide the C.R.No. I 88 of 2021 at L. T. Marg police station, Mumbai on

23.03.2021, under sections 409 and 420 of the I.P.C., resulting in Criminal proceedings bearing No.PW/2800006/2022 pending before the Metropolitan Magistrate, 28th Court, Esplanade Court, Mumbai, are quashed and set aside.

ii) The Application is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)