



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1472 OF 2024

Saloni Modi Aka Saloni Vivek Khandelwal & Ors.Applicants

Vs.

The State of Maharashtra & Anr.Respondents

Mr. Karan Jagtap i/b. Mr. Parag Sawant i/b. P. S. Chambers, for the Applicants.

Mr. R. M. Pethe, APP, for Respondent No.1-State.

Ms. Nazneen Contractor with Mr. Arif U. Hussain, for Respondent No.2.

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

DATE : 22nd OCTOBER 2024.

PC.:-

1) This Application is filed for quashing of the F.I.R. registered at Kashimira Police Station vide C.R.No.446 of 2024 under Section 406 read with 34 of the Indian Penal Code. This Application is filed on merits of the matter, however during pendency of this Application, the matter is settled between the parties. The Applicant No.1 is Executive Director and the Applicant No.2 is the Principal of the Applicant No.3, which is an International School. The F.I.R. is a result of the order passed by the learned Judicial Magistrate First Class, Thane on 31st July 2024 directing the investigation under Section 156(3) of the Code of Criminal Procedure.

2) The gist of the allegations in the F.I.R. registered at the instance of Respondent No.2 herein are that the Informant was the paternal grant-father of one Adrina. She was staying with the Informant, who was looking after her. He had taken responsibility of her education and she was admitted in the Applicant No.3-school. She studied up to 6th Std. in that school. In the academic year 2023-24, he had taken her admission in the 7th Std. Adrina had gone to her mother's place in Goa in June 2023. She decided to stay in Goa and, therefore, she did not join her classes in the 7th Std. In the meantime, the Informant had made the payment of the fees to the School of Rs.10,24,400/-. Since Adrina did not want to study further in school i.e. Applicant No.3, the Informant demanded refund of the fees. It was not returned and, therefore, the F.I.R. is lodged.

3) Now the matter is settled between the parties. The First Informant is present in the Court. He is identified by his counsel. He has tendered an Affidavit before the Court. There is a reference to a Demand Draft by which he has received back that refund. He has given his no objection for allowing this Application and quashing the F.I.R.

4) Considering that the dispute is purely personal in nature and the society at large is not involved, we are inclined to allow this Application based on the Affidavit filed by the First Informant/the Respondent No.2. Hence, the following order:

ORDER

- (i) The F.I.R. registered at Kashimira Police Station vide C.R.No.446 of 2024 under Section 406 read with 34 of the Indian Penal Code are quashed and set aside.
- (ii) The Application is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)