



Judgment

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (APL) NO. 197/2023

Mrs. Priya w/o Sunny Sawant,
Aged about 30 yrs., Occ. Private,
R/o. Plot No. 47, Panchayashi Plot Ariya, Narendra Nagar,
Vivekanand Nagar, Nagpur – 440015.

... **APPLICANT**

VERSUS

1. State of Maharashtra,
through Awdhootwadi Police Station,
Yavatmal.
2. Mr. Mukund Balkrushna Penshanwar,
Aged about 42 yrs., Occ. Business,
R/o. Dahiwalkar Layout, Awadhootwadi,
Yavatmal – 445001.

...**NON-APPLICANTS**

Mr. S. Yeranwar, Advocate for applicant.
Mrs. M.H. Deshmukh, APP for non-applicant No.1.
Mr. H. Chauhan, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 30.08.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

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3. This is an application seeking to quash First Information Report ("FIR") vide crime No. 1142/2022 on account of settlement registered with Police Station Awdhootwadi, Yavatmal for the offence punishable under Section 420 of the Indian Penal Code on account of settlement.

4. It is the prosecution case that informant was desirous to get admitted his son to medical course. The informant met to the applicant who is doing counseling work. On assuring to arrange medical admission, the applicant took sum of Rs. 3,25,000/- from the informant, however did nothing, therefore, the offence of cheating is registered.

5. In the meantime, the applicant has repaid entire amount, therefore, the matter is settled. The informant has filed reply stating about the receipt of money and his no objection to quash the proceeding. The informant is present before us who is identified by his counsel Mr. H. Chauhan. The informant reaffirmed contents of reply and requested to quash the proceeding.

6. Initially, while issuing notice as per our direction, the applicant has deposited sum of Rs. 1,75,000/- with the Registry of this Court which she seeks for withdrawal as the matter is settled. The informant expressed to

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deposit Rs. 10,000/- as a cost towards rotating the Police Machinery.

7. The applicant has returned entire amount. The offence cannot be termed as heinous or anti-social. Having regard to above aspects, the application is allowed. We hereby quash and set aside FIR vide crime No. 1142/2022 on account of settlement registered with Police Station Awdhootwadi, Yavatmal for the offence punishable under Section 420 of the Indian Penal Code on account of settlement.

8. The applicant shall deposit cost of Rs. 10,000/- with the Vidarbha Lady Lawyers Association, Nagpur within one week from today.

9. On deposit of cost amount, the applicant is entitled to withdraw sum of Rs. 1,75,000/- which is deposited with this Court. The Registry to act accordingly.

10. Stand over to 06.09.2024 for noting compliance.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)