



Judgment

909 apl 1347.24

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

CRIMINAL APPLICATION (APL) NO. 1347/2024

Ku. Priti d/o. Diliprao Thakre,
aged about 24 yrs., Occ. Student,
R/o. 23-Rajapeth, Hudkeshwar
Road, Hudkeshwar Bk. Nagpur,
Tah. & Dist. Nagpur.

... **APPLICANT**

VERSUS

1. The State of Maharashtra through
Police Station Officer, Police Station,
Hudkeshwar Nagpur, Tah. & Dist.
Nagpur.
2. Shri Anupkumar s/o Kashmirilal
Guglani, aged about 34 yrs.,
Occ. Business, R/o. Plot No.25/A,
Flat No.402, Sai Prerna Krida
Chauk, Hanuman Nagar, Nagpur,
Tah. & Dist. Nagpur – 440009.

... **NON-APPLICANTS**

Mr. R. Kadu, Advocate for applicant.
Mr. A. Madiwale, APP for non-applicant No.1.
Mr. K. Dhoble, Advocate for non-applicant No.2.

**CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.**
DATE : 20.09.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. This is an application seeking to quash First Information Report ("FIR") vide crime No. 993/2023 registered with Police Station Hudkeshwar, Tal. and Dist. Nagpur for the offence punishable under Sections 420, 408 read with Section 34 of the Indian Penal Code on account of mutual settlement.

4. It is informant's case that main accused Pravin Ingle was employee in his Sari Shop and looking after the business account. Main accused Pravin Ingle has fraudulently issued a cheque in the name of applicant Priti drawn on the very business account and transferred Rs. 4,10,000/- in applicant's account. The informant learnt the things from bank employees, on which the applicant has returned Rs. 1,00,000/-, however the remaining amount appears to have been withdrawn by the main accused Pravin Ingle. Since the informant was cheated, report has been lodged.

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5. It reveals that the entire allegation of cheating are against Pravin Ingle. He has used applicant as a mean to transfer the money for his own purpose. It is isolated transaction of transfer of money in the account of applicant. The informant has settled the dispute out of the Court and filed reply stating no objection to quash the proceeding. The informant is present before us who has been identified by his counsel Mr. Dhoble, and he has stated that the applicant was his ex-employee who has been used by Pravin Ingle to siphon money. Considering the said aspect, he has settled the dispute. Moreover, it is submitted that the applicant has paid him additional amount of Rs. 1,00,000/- towards settlement. In the circumstances, the informant stated that he does not wish to prosecute against the applicant.

6. It is a case of cheating, wherein the allegation are against main accused Pravin Ingle who is stated to be absconding. Considering limited role of the applicant and settlement arrived between the parties, we deem it appropriate to exercise our inherent powers.

7. In view of above, application is allowed. We hereby quash and set aside FIR vide crime No. 993/2023 registered with Police Station Hudkeshwar, Tal. and Dist. Nagpur for the offence punishable under Sections 420, 408 read with Section 34 of the Indian Penal Code to the

extent of present applicant on account of mutual settlement.

8. Application stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)