



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 CRIMINAL WRIT PETITION NO. 23 OF 2025

Anilkumar Chamanlal Matharani and others

VERSUS

The State of Maharashtra and another

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Advocate for the Petitioner : Mr. Sanket S. Kulkarni

APP for Respondent No.1: Mr. N.R. Dayama

Advocate for Respondent No.2 : Mr. Darshan D. Sahuji

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 6th FEBRUARY, 2025

PER COURT :-

1. The present writ petition has been filed for quashing of F.I.R. No. 160 of 2023, registered with Dharangaon police station, district Jalgaon for the offences punishable under Sections 420 and 409 of I.P.C.

2. On 16.01.2025, when the matter was on board, respondent No.2, who had appeared suo-moto through advocate, submitted that there is possibility of settlement and then this court had directed, if the settlement terms arrived at, they be filed and got verified through the learned Registrar (Judicial) of this Court. Accordingly, the terms of settlement / compromise pursis have been produced and they have been verified by the learned Registrar (Judicial) and the

Registrar (Judicial) has filed report dated 17.01.2025.

3. Perusal of F.I.R. would show that, respondent No.2 had borrowed an amount of Rs.6,00,000/- from his nephew few years prior to lodging of the F.I.R. and he was supposed to return the said amount after he could earn from his business. But then it is stated that he had received a phone call on 17.05.2023 on his mobile and then upon the representation by the caller, it is said that he had given cash of Rs.3,00,000/-. The person identified himself as Kishorbhai and then he had promised that he would return the amount of Rs.6,00,000/- to the nephew of the informant. He says that when he made enquiry with said Kishorbhaii, said phone was not working nor he got his money back. He states about involvement of the other two petitioners and it is stated that he has been cheated by all the petitioners and instead giving amount to his nephew, it was then given to other accused.

4. Now under the compromise, it is stated that the petitioner No.1 has paid entire disputed amount to the informant and the informant has no objection for quashing of the F.I.R. It appears that the dispute was on account of money transaction and therefore, this would be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure, 1973. However, it

can still be seen that entire police machinery is involved and certainly we take objection as regards acceptance of amount in cash. However, respondent No.2 is certifying acceptance of cash. We impose costs while permitting quashment of the F.I.R. With these observations, the following order is passed:-

O R D E R

- I. Writ petition stands allowed.
- II. The F.I.R. vide C.R. No. 160 of 2023, dated 24.05.2023, registered with Dharangaon police station, district Jalgaon, for the offences punishable under sections 420 and 409 of I.P.C. stands quashed and set aside as against the petitioners, upon depositing of costs of Rs.10,000/- by each of the petitioners, to the High Court Legal Services Sub Committee, Aurangabad, on or before 20.02.2025.
- III. We make it clear that if the amount of costs, as directed above, is not paid, then the F.I.R. would get revived and the investigating officer would be entitled to proceed with the investigation and take further legal recourse.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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