



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4299 OF 2024

1. Kevin Janak Brahmhatt
2. Jigna Kaushal Desai
3. Janak Manilal Brahmhatt

.. Applicants

Versus

1. The State of Maharashtra
Through its Police Inspector
Ramanand Nagar Police Station
Taluka and District Jalgaon.
2. Suvarna Sambhaji Pawar

.. Respondents

...

Mr. Vinod P. Patil, Advocate for the applicants.

Mr. S. A. Gaikwad, APP for respondent No.1/State.

Mr. Mukul Deshpande, Advocate h/f Mr. D. B. Rode, Advocate for respondent No.2.

...

**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 08 JANUARY 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed for quashing the FIR vide Crime No.309 of 2023 registered with Ramanand Nagar Police Station, District Jalgaon for the offences punishable under Sections 420, 409 read with Section 34 of Indian Penal Code. The applicants and respondent No.2 have entered into compromise

and affidavit to that effect has been produced by the informant/respondent No.2. The terms of settlement have been got verified from learned Registrar (Judicial), who has submitted the report on 14.11.2024.

2. Perusal of the FIR would show that respondent No.2 had come in contact with one Prabhesh Dhake and his wife Gayatri, who made the informant aware about a scheme introduced by Crizer World Network, which gives income to the members. Accordingly, she had invested around Rs.7,10,528/- at various stages, which were promised to give through a link given to her ID. As per the terms now settled, it has been informed by learned Advocate for respondent No.2 that amount of Rs.7,20,000/- has been paid to the informant and thereupon her grievance has been redressed.

3. Though the investigating officer has raised objection on the ground that the accused were not available for interrogation whenever he had gone, yet it is to be noted that no other person appears to have approached Ramanand Nagar Police Station, District Jalgaon with similar grievance. Offences under Sections 420 and 409 of Indian Penal Code are, in fact, personal in nature

and the informant says that she has received the amount. There is no hurdle in exercising powers under Section 482 of the Code of Criminal Procedure, however, since the entire system has been used for which respondent No.2 was required to approach police, we impose cost on the applicants, which is to be deposited to the Committee established consisting of Registrar (Administration) of this Court and the Medical Officer attached to the High Court dispensary. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR vide Crime No.309 of 2023 registered with Ramanand Nagar Police Station, District Jalgaon for the offences punishable under Sections 420, 409 read with Section 34 of Indian Penal Code stands quashed and set aside as against applicant No.1 - Kevin Janak Brahmbhatt, applicant No.2 - Jigna Kaushal Desai and applicant No.3 -Janak Manilal Brahmbhatt.
- III) Applicants to deposit cost of Rs.40,000/- with the Registry i.e. the Committee consisting of learned

Registrar (Administration) of the High Court, Bench at Aurangabad and the Medical Officer of the High Court Medical Dispensary, on or before 31.01.2025.

IV) It is made clear that in case of failure on the part of the applicants to deposit the cost amount within the aforesaid period, the FIR vide Crime No.309 of 2023 registered with Ramanand Nagar Police Station, District Jalgaon, would stand revived.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm