

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 312 OF 2025

Ashpak Gundumiya Agsapure

...Applicant

Versus

The State of Maharashtra And Anr.

...Respondents

....

Adv. Jaydeep Mane for the Applicant.

*Mr. Changdev Shingade i/by Adv. Somnath Thengal for the Respondent
No.2 in APL/312 of 2025.*

Mr. P. P. Deokar, APP for Respondent- State.

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**CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATE : 11th DECEMBER, 2025.

P.C:

1. Heard learned counsel for the applicant.
2. Detag Criminal Application No.311 of 2025 from Criminal Application No.312 of 2025.
3. The FIR dated 26th January 2025 was registered with Karmala Police Station, Solapur, in furtherance of the complaint alleging offence under Sections 420, 409 read with Section 34 of the Indian Penal Code, 1860, against the petitioner and others vide C.R. No. 62 of 2025.

4. The complainant carried an impression that it is the petitioner who is responsible for withholding his salaries and non timely payments of the same.

5. Subsequent to the filing of the petition, the complainant realised that the act alleged against the petitioner was not intentional. It is therefore, stated that the petitioner had no intent to cheat or defraud the complainant.

6. We have perused an affidavit of the complainant, which is at page No. 27 of the paperbook affirmed on 30th April, 2025. The complainant states that he has no objections if all further proceedings pending before the learned JMFC, Solapur, arising out of C.R. No.62 of 2025 for the offence punishable under Sections 420, and 409 read with Section 34 of the Indian Penal Code (IPC) with Karmala Police Station, Solapur, is quashed.

7. Learned counsel for the complainant submits that the complainant is personally present in the Court. Learned counsel identified the complainant. The complainant has stated that he does not wish to prosecute the complaint. The misunderstanding is cleared, and the complainant wants to unconditionally withdraw the allegations leveled against the petitioner.

8. In such view of the matter, in our opinion, continuing the prosecution would be nothing but an exercise of futility and an abuse of process. Considering the stand of the complainant, as he is not going to depose against the petitioner, the possibility of conviction is remote and bleak. No useful purpose will be served by continuing the prosecution. Hence, this petition is allowed in terms of prayer clause (a).

9. The application is disposed of.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]