

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5563 OF 2024

Shahaji Nivruti Bagade & Anr.

.... Petitioners

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. V. V. Purwant, Advocate for Petitioners.
- Smt. M. M. Deshmukh, APP for the State/Respondent.
- Ms. Barsha Parulekar, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 24th FEBRUARY, 2025

P.C. :

1. This Petition is filed for quashing of the FIR registered vide C.R.No.55/2024 at Vairag Police Station, Solapur Rural, on 15/02/2024 u/s 420 r/w 34 of the Indian Penal Code. The FIR is lodged by the Respondent No.2. He has stated that he was in the business of trading in agricultural produce. Once he purchased the goods, he used to send it to another party. For that purpose, he used to engage services of some transporters. The FIR mentions that in October 2023, he wanted to send rice to M/s. SLR Boils Rice Industries, Muniyar (Karnataka). For that

purpose, he engaged services of the Petitioners' truck. The FIR mentions that on 19/10/2023 and 20/10/2023 he sent 43.520 tonnes and 35.450 tonnes rice to the company in Karnataka through two trucks belonging to the Petitioners. However, the goods were never delivered to the company in Karnataka. The Petitioners were not reachable. Therefore, the Respondent No.2 was convinced that he was cheated and his goods were misappropriated by the Petitioners. His total misappropriated rice was 78.970 tonnes. On these allegations, the FIR is lodged.

2. Heard Mr. V. V. Purwant, learned Counsel for the Petitioners, Ms. Barsha Parulekar, learned counsel for the Respondent No.2 and Smt. M. M. Deshmukh, learned APP for the State.

3. Now the matter is settled between the parties. Learned counsel for the Petitioners submitted that the FIR was lodged on some misunderstanding and it was with reference to some earlier transaction. The Respondent No.2 has filed his affidavit. Though the language is not very clear, but there is reference that

there was settlement between the parties and there was nothing pending which is to be paid or given by the Petitioners. However, in clear terms, the Respondent No.2 has mentioned that he had no objection for quashing of the FIR vide C.R.No.55/2024 at Vairag Police Station, Solapur Rural,

4. The Respondent No.2 is present in the Court. He is identified by his learned counsel. He stated before the Court that there are no dues payable by the Petitioners to him. He has no grievance whatsoever against the Petitioners.
5. The dispute between the parties was purely commercial and personal in nature. The society at large is not involved. The Respondent No.2 has filed affidavit giving his consent for quashing of the FIR. He has stated before the Court that he has no objection for quashing of the proceedings.
6. In this situation, we are inclined to quash these proceedings. However, the Petitioners as well as the Respondent No.2 had used the police machinery unnecessarily, if ultimately

they wanted to settle the score with each other. Therefore, we are inclined to impose costs on both the sides.

7. Hence, the following order :

ORDER

The FIR registered vide C.R.No.55/2024 at Vairag Police Station, Solapur Rural, is quashed and set aside, subject to the following conditions :

- (i) The Petitioner No.1 and the Petitioner No.2 shall pay a cost of Rs.25,000/- each, within a period of 8 weeks from today, to the Police Welfare Fund.

The details of which are as follows :

- Bank Name : Axis Bank Limited
- Branch Name : Worli, Mumbai (H.H.)
Mumbai-400025
- Account Name : Central Police Welfare Fund
- Account No. : 914010029005759
- IFSC Code : UTIB0000060

- (ii) The Respondent No.2 also shall pay a cost of Rs.10,000/- to the Police Welfare Fund within a period of 8 weeks from today, the details of which are given above.
- (iii) If such amount is paid by the parties, they shall produce the acknowledgment in the registry.
- (iv) If the acknowledgment is produced, there shall be no further reference to the Court. But if the cost is not paid within a period of 8 weeks, then the matter shall be listed before the Court for further consideration.
- (v) With these observations the Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)