IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5700 OF 2024

Shyam Dineshbhai Bhut ... Petitioner

V/s.

The State of Maharashtra and Anr. ... Respondents

Mr. Shubham Kadam with Karan Mehta, Kiran Jadhav and Harshavardhan Patil, for the petitioner.

Mr. S.V. Gavand, APP, for the State.

Mr. Gulfarm Khan I.by Vaibhav Kamble, for the respondent no. 2.

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

DATE : 14TH FEBRUARY 2025.

VARSHA DEEPAK GAIKWAD
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Date: 2025.02.20 10:49:31 +0530

PC:

1. This petition is for quashing of C.R No. 623 of 2023 dated 1st September 2023 at Dindoshi Police Station, Mumbai under section 408 of IPC.

2. Heard Mr. Shubham Kadam, learned counsel for the petitioner, Mr. S.V. Gavand, learned APP and Mr. Gulfarm Khan, learned counsel for the respondent no. 2.

3. The FIR is lodged by the respondent no. 2. He has stated in his FIR that, he was in a business of courier service. He was working in a partnership. Their office was at Malad, Mumbai. The petitioner was working with him and was looking after the money transaction. On 29th August 2023 at 7.00p.m. the informant and his partner examined the ledger account. They found that there was a deficit of Rs. 25 lakh. They inquired with the petitioner but he gave evasive answers.

4. It is the case of the informant that he confessed that he had sent Rs. 25 lakh to his friend. He did not give an explanation. He went home. Therefore, this FIR is lodged.

5. Now the matter is settled between the parties. The respondent no. 2. has filed his affidavit. He has given his specific no objection for the quashing of the FIR. The investigation is still going on. Respondent no. 2 is present in the Court. He has been identified by the learned advocate. The respondent no. 2 stated before the Court that he has no objection for quashing of the FIR. He submitted that the matter is settled between the parties. The dispute between the parties is purely personal and commercial in nature. The society is not involved. The learned APP also does not have any objection.

6. Considering the situation, we are inclined to allow the Writ Petition. Hence, the following order:

ORDER

i) The Criminal Writ Petition is allowed.

ii) The F.I.R. registered vide C.R. NO. 623 of 2023

registered with the Dindoshi Police Station under Section 408 of the Indian Penal Code and the consequent proceedings are quashed and set aside.

7. Accordingly, the Criminal Writ Petition is disposed of.

(S.M. MODAK, J) **(SARANG V KOTWAL, J)**