

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1075 OF 2025

Sai Prasad Parkar

Age : 22 Years, Occupation : Student,
Residing at : C/103, Vardhaman Heights
CHS, Kirti Police Marg, Katrap, Badlapur(E),
Ambernath, District : Thane : 421503. ...**Petitioner**

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Versus

1. **The State of Maharashtra**
(Through Shivaji Park Police Station)
2. **Pankaj Ramji Gupta**
Age : 37 Years, Occupation : Service,
Residing at : Room No.008, Vijay Vihar
Building, Ayre Road, Dombivali (E),
421 201. ...**Respondents**

Mr.Advait U.Shukla a/w Mr.Pawan Yadav–Advocates for
Petitioner.

Smt.M.M.Deshmukh – APP for Respondent No.1 – State.

Mr.Amandeep S. Sra – Advocate for Respondent No.2.

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

DATE : 10th MARCH 2025

P.C. :

1. This is a Petition for quashing and setting aside of
C.R. No.246 of 2024 registered at Shivaji Park Police Station,
Mumbai and the consequent proceedings bearing No.1088/
Satish Sangar

Police Cases W/2024 pending on the file of Additional Chief Judicial Magistrate, Bhoiwada, Dadar. The F.I.R. and the proceedings are under Section 420 of the Indian Penal Code, 1860 (“**IPC**”) and 66C and 66D of the Information Technology Act, 2000 (“**IT Act**”).

2. The F.I.R. is lodged by the Respondent No.2. He was working as a Manager at Bastian Restaurant, Dadar(West). The allegations in the F.I.R. are that the said restaurant had an Instagram account through which they used to advertise their hotel. On 2nd June 2024, they had posted some scheme of the hotel. The Petitioner had made a comment in the comment box that he was in a position to give booking for that hotel. Thus, the Petitioner was projecting as if he was authorized by the hotel to get bookings for the hotel but in fact, he was never authorized to do so. The F.I.R. and the entire charge-sheet refers only to one incident when he had accepted Rs.8,000/- (Rupees Eight Thousand) from one customer, but he had not made any booking. That customer had complained to the hotel but she did not lodge any complaint to the Police. The Respondent No.2 pursued the matter and lodged his own complaint.

3. The investigation was carried out. The learned APP, on instructions, and on going through the charge-sheet states that the investigation is only in respect of one isolated instance.

4. Learned counsel for the Petitioner submitted, that the Petitioner is an Engineering student and this is only one isolated instance but there was no criminal intent. He wanted to earn commission from the hotel by using the discount facilities provided by the hotel. He submitted, that there was no occasion to cheat the hotel.

5. Now, the matter is settled between the parties. The informant did not want to proceed with the prosecution. Learned counsel appearing for the Respondent No.2 submitted, that though that customer had lost Rs.8,000/- (Rupees Eight Thousand) as per the allegations in the F.I.R., in lieu of her loss, the hotel offered services of the hotel to her free of charge which she availed off and therefore, that customer has not suffered any monetary loss. He further submitted that the Respondent No.2 is willing to give consent for quashing of the proceeding looking at the future of the Petitioner who is an engineering student.

6. The First-Informant / Respondent No.2 has filed his

“Affidavit of consent”. In that Affidavit, he has clearly stated that he has no objection for quashing of these proceedings arising out of C.R. No.246 of 2024. Learned counsel for the Respondent No.2 submitted, that there is a typographical error in paragraph No.16 and inadvertently, C.R. No.857 of 2022 is mentioned instead of C.R. No.246 of 2024. The Respondent No.2 is present in the Court. He has stated before the Court that he has “No objection” for quashing of the present proceeding. The Respondent No.2 submitted, that C.R. No.246 of 2024 at Shivaji Park Police Station is the only offence registered by him against the Petitioner, and that he has no objection for quashing of these proceedings.

The Respondent No.2 is present in the Court. He is identified by his learned counsel. The dispute between the parties is purely personal and commercial in nature. The customer herself has no grievance. She has not lodged any complaint and in any case, the concerned hotel has compensated her for the alleged loss of Rs.8,000/- (Rupees Eight Thousand).

7. The parties have now settled the matter. The Petitioner is an engineering student with the entire future

Satish Sangar

ahead of him. In this view of the matter, we are inclined to allow this Petition. Hence, following order:-

O R D E R

- (i) The C.R. No.246 of 2024 registered with Shivaji Park Police Station, Mumbai and the consequent proceedings bearing No.1088/Police Cases W/2024 pending on the file of Additional Chief Judicial Magistrate, Bhoiwada, Dadar are quashed and set aside.

8. With these observations, the Petition is disposed of.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)