

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

CRIMINAL WRIT PETITION NO.1188 OF 2025

Yogesh Kumar Gandhi & Anr.

.... Petitioners

versus

The State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Siddiqui Mohammed Arif i/b. Kaif Mujawar a/w Farheen Shaikh, Advocate for Petitioners.
- Smt. M. H. Mhatre, APP for the State/Respondent.
- Mr. Chaula Solanki a/w H.H. Nagi a/w Niranjana Pradhan, a/w Rinky Kanojia, a/w Lekha Srigarla i/b. Nagi and Associates, Advocate for Respondent No.2.

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

DATE : 24th APRIL, 2025

P.C. :

1. Leave to amend to add the prayer for quashing of the proceedings pending before the J.M.F.C.Court, Sewree. Amendment to be carried out forthwith.

2. This Petition is filed for quashing of the proceedings arising out of C.R.No.46/2024 registered at Kalachowky Police Station on 18/02/2024, u/s 409 of the Indian Penal Code,

resulting in Criminal Case No.182/PW/2025 before the learned J.M.F.C. Court, Sewree, Mumbai.

3. Heard Mr. Siddiqui Mohammed, learned Counsel for the Petitioners, Mr. Chaula Solanki, learned counsel for the Respondent No.2 and Smt. M. H. Mhatre, learned APP for the State.
4. During pendency of the Petition, the charge-sheet was filed. A copy of charge-sheet is produced before the Court. It is taken on record and marked as 'X' for identification. The prosecution case is reflected in the FIR itself. The FIR is lodged by the Respondent No.2. He has stated that he has a proprietary firm by name M. K. Pharma at Kalachowky. During the course of his business he got in contact with one Sensing Rajput and Surendrasingh Rajput. Out of them, Surendrasingh introduced the informant to the Petitioner No.1. The informant was told that the Petitioner had a company, which was in the business of manufacturing lubricant oil required for two wheelers and four wheelers. The name of the company was Vivol lubricants. The

informant was given an offer to act as a sole selling agent of the lubricant oil in Maharashtra. He was asked to pay Rs.10 lakhs, so that oil could be manufactured and then he was promised to supply the oil worth Rs.20 lakhs. Accordingly, the informant gave Rs.10 lakhs to the Petitioner on 11/11/2021. But the Petitioner did not supply oil worth Rs.20 lakhs. Instead oil worth Rs.4,07,454/- was supplied on 29/01/2022. The oil was also of substandard quality. On these allegations, the FIR is lodged.

5. The charge-sheet contains the statements of one Bafna, who has supported the prosecution case. There are other documentary materials in the form of bank statements etc.
6. The Petitioner No.1 is in custody. The Petitioner No.2 is on bail.
7. In this background, the matter is now settled between the parties. The Respondent No.2 has filed his affidavit of consent. It is mentioned in the affidavit that the informant has accepted the Petitioner's proposal for settling the matter for an

amount of Rs.9 lakhs and on these terms he has given no objection for quashing of the proceedings.

8. The Respondent No.2 is present in the Court. Learned counsel for the Petitioners handed over a Demand Draft of Rs. 9 lakhs to the informant in the Court. The informant is identified by his learned counsel. He stated before the Court that he is satisfied with the settlement and he has no objection for quashing of these proceedings.

9. The dispute between the parties is purely personal and commercial in nature. It is settled to the satisfaction of the informant. He has got Rs.9 lakhs in the form of Demand Draft. He has no objection for quashing of the proceedings. Therefore, we are inclined to allow this Petition.

10. Hence, the following order :

ORDER

- (i) The FIR vide C.R.No.46/2024 registered at Kalachowky Police Station resulting in Criminal

Case No.182/PW/2025 before the J.M.F.C. Court, Sewree, Mumbai, are quashed and set aside.

(ii) The Petitioner No.1 is in custody. He shall be released forthwith, if not required in any other case.

(iii) The Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)