

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

CRIMINAL WRIT PETITION NO.1685 OF 2025

Mehjabeen Wasim Ahmed Khan Petitioner

versus

The State of Maharashtra & Anr. Respondents

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- Ms. Shagufa Ansari, Advocate for Petitioner.
- Smt. M. H. Mhatre, APP for the State/Respondent.
- Ms. Shagufta Shaikh, Advocate for Respondent No.2.

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

DATE : 04th APRIL, 2025

P.C. :

1. This Petition is filed for quashing of the FIR registered vide C.R.No.78/2020 at Azad Maidan Police Station u/s 420, 465, 467, 468, 471, 379, 381 r/w 34 of the Indian Penal Code. The investigation is over and the charge-sheet is filed. The prayer is made for quashing of the entire proceedings.

2. Heard Ms. Shagufa Ansari, learned Counsel for the Petitioner, Ms. Shagufta Shaikh, learned counsel for the Respondent No.2 and Smt. M. H. Mhatre, learned APP for the State.

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3. The FIR is lodged by the Respondent No.2 against the unknown persons. The gist of the FIR is that he was having his business of export of clothing. He had a bank account maintained with IndusInd bank at Crawford Market Branch. His business was conducted on credit. Once he exported the goods, after receiving the money, he used to pay to his own suppliers through cheques and RTGS.
4. On 17/03/2020, in the afternoon, he received a message on his phone connected with the said bank account informing that Rs.35 lakhs from his bank account were transferred in the bank account of M/s. Purvesh Enterprises. He checked other messages and came to know that one more transaction of Rs.35 lakhs had taken place before that. Thus, he had lost Rs.70 lakhs, but he had not carried out that transaction. He immediately went to his bank and met the Bank Manager. He made enquiries. He came to know that the amount had gone in the account of M/s. Purvesh Enterprises maintained with Shree Mahaveer Sahakari Bank, Jalgaon. He made further enquiries and he came to know that the two of his cheques were misused using his forged signatures

and those amounts were transferred. The informant was shown those cheques. He saw that there were forged signatures on the cheques. He had never signed those cheques. On this basis, he lodged his FIR against unknown persons.

5. The investigation was carried out and from the charge-sheet, the prosecution case is that the cheque book was in the possession of the Petitioner, who was working in the complainant's office. During investigation, the cheque book containing 28 blank cheques and 14 separate cheques which were apparently signed were found from the accused Mahendra Patil. According to the prosecution case, she had used the cheque books, stamps and slips and had given those articles to Mahendra Patil through another accused Atiq and by this process they had transferred the amount of Rs.70 lakhs. The accused Atiq is reported to be out of India. The other accused Mahendra is not before the Court. According to the learned counsel for both the parties, he is not attending the Trial Court as well.

6. In this background, the present Petition is filed for

quashing of those proceedings by consent of the first informant. The Petition mentions that the Petitioner and the Respondent No.2/first informant had approached the Trial Court to settle the matter by separating the trial of the Petitioner as the other two accused were not attending the Trial Court. The Respondent No.2 has filed his affidavit. He has stated that he has amicably settled the dispute and he has decided to forgive the Petitioner. He did not wish to proceed with the FIR and that he was giving his consent to quash the FIR. The Respondent No.2 is present in the Court. He is identified by his learned counsel. He stated before the Court that he has received back his entire amount of Rs.70 lakhs. He stated that the Petitioner is a young woman and her entire future life is jeopardized because of this pending case. She is of marriageable age and because of this case there is impediment in her getting married and leading a peaceful life henceforth. The Respondent No.2 insisted that the prosecution be quashed qua the Petitioner and that he has no grievance against her at all.

7. We have considered these submissions. Though at this stage, the other accused are not before us, we respect the

sentiments expressed by the first informant. He has received back his money. He does not want to proceed against the Petitioner. He has stated in his affidavit that he has forgiven the Petitioner. He has stated that he did not wish to prosecute the present Petitioner.

8. Considering this humane approach and the genuine desire expressed by the first informant, we are inclined to allow this Petition.

9. Hence, the following order :

ORDER

- (i) The FIR registered vide C.R.No.78/2020 at Azad Maidan Police Station and the further proceedings arising out of the said FIR, are quashed and set aside, only qua the Petitioner.
- (ii) It is made clear that the proceedings against the other accused shall continue.
- (iii) The Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)