



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO. 482/2025

(PARTH HEMANT PATEL **VERSUS** THE STATE OF MAHARASHTRA & ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri B.K. Suchak, counsel for the petitioner.

Ms. S.S. Jachak, Additional Public Prosecutor for the respondent no.1.

CORAM : NITIN W. SAMBRE AND SACHIN S. DESHMUKH, JJ.

DATE : JUNE 20, 2025

P. C.

Heard the learned counsel for the parties.

2. The petitioner was arrayed as accused in Crime No.57 of 2024 punishable under Sections 406 and 420 of the Indian Penal Code read with Section 66(d) of the Information and Technology Act, 2000. The petitioner thereafter was charge-sheeted. The allegations were based on the complaint lodged by the respondent no.2-Complainant from whom the petitioner had accepted Rs.5,35,000/- in between January 02, 2024 to May 17, 2024 by promising the placement in Customs Department.

3. The family members of the petitioner intervened in the matter and have made good the loss suffered by the respondent no.2, as a result of which the respondent no.2 has received the sum of Rs.4,35,000/- as confirmed by him before this Court in response to the query posed to his lawyer. The respondent no.2 has further informed that the balance amount of Rs.1,00,000/- which is with the Investigating Officer is also receivable by him provided the Court grants permission to that effect.

4. The learned Additional Public Prosecutor submits that appropriate orders may be passed in the matter.

5. Pursuant to the directions of this Court, the petitioner and the respondent no.2 have appeared before the Registrar (Judicial) who was directed to verify from the said parties about execution of the consent terms.

6. The Registrar (Judicial) has submitted a positive report in the matter.

7. In the aforesaid background, we deem it appropriate to quash and set aside the charge-sheet in Crime No.57 of 2024 punishable under Sections 406 and 420 of the Indian Penal Code read with Section 66(d) of the Information and Technology Act, 2000 as the respondent no.2 has decided not to pursue the prosecution against the petitioner upon intervention of the family members of the petitioner, common friends, advocates, etc. In such an eventuality, even if the prosecution against the petitioner is permitted to be continued, same cannot be taken to its logical end, particularly in view of the consent affidavit-cum-N.O.C. furnished by the respondent no.2 before this Court.

8. In that view of the matter, we quash and set aside the criminal prosecution lodged against the petitioner *vide* Crime No.57 of 2024 punishable under Sections 406 and 420 of the Indian Penal Code read with Section 66(d) of the Information and Technology Act, 2000 and consequential charge-sheet also, subject to the following conditions:-

(a) The respondent no.2 shall be at liberty to collect Rs.75,000/- out of Rs.1,00,000/- deposited by the petitioner-accused with the Investigating Officer. The Investigating Officer shall forthwith pay the sum of Rs.75,000/- to the respondent no.2 upon such demand being made by him in writing.

(b) The Investigating Officer shall deposit the balance amount of Rs.25,000/- with the Police Welfare Fund, Buldana District.

(c) In addition to above, the petitioner-accused shall deposit the costs of Rs.25,000/- with the High Court Bar Library, Nagpur and shall produce an acknowledgment to that effect within a period of two weeks, whereafter only the order of quashing of criminal prosecution and the charge-sheet shall take effect.

(d) In case, the amount ordered under Clause (c) is not deposited by the petitioner, the criminal prosecution shall continue against the petitioner.

9. In view of aforesaid, the criminal writ petition stands disposed of.

(SACHIN S. DESHMUKH, J.)

(NITIN W. SAMBRE, J.)