

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

925 CRIMINAL APPLICATION NO. 1181 OF 2024

Vijay s/o Sahebrao Dhere,
Age- 38 years, Occu. Service,
R/o Lohgaon, Tq- Newasa, Dist- Ahmednagar.

...Applicant

VERSUS

The State Of Maharashtra And Another

...Respondents

...

Mr. Sanjay D. Kotkar - Advocate for Applicant

Mrs. Bharati Gunjal - APP for the State

Mr. Dattatraya R. Markad- Advocate for Respondent No. 2

...

CORAM : NEERAJ P DHOTE, J.

DATED : 21ST APRIL, 2026

PER COURT : -

1. This is an application under Section 482 of the Code of Criminal Procedure for quashing First Information Report No. 0947 of 2022 and the consequent charge-sheet for the offences punishable under Sections 406, 420, 504, 506 read with 34 of the Indian Penal Code, which culminated in the registration of R.C.C. No. 273 of 2024, pending before the learned Judicial Magistrate First Class, Ahmednagar.

2. The Applicant is the original Accused No. 1. The Applicant is the Regional Manager of DKT Pharma. Respondent No. 2 is the informant in the said crime. According to the informant, he was engaged in the wholesale pharmacy business. The informant was told by one Prakash Darekar that there was requirement of medicines at the GHATI Hospital in Aurangabad, and that the Applicant and one Atul Gawali

would assist him in securing the supply order for medicines to the said hospital. The informant purchased the medicines worth Rs. 31,57,689/- (Rupees Thirty-One Lakh Fifty-Seven Thousand Six Hundred and Eighty-Nine) through the Applicant. However, as there was no communication regarding the supply of the said medicines to the hospital, the informant contacted the hospital and learnt that, there was no such requirement for the supply of medicines to the hospital. Thereafter, the Applicant informed the informant that, the co-accused were in need of the medicines and that the same would be purchased by them. The informant accordingly sold the said medicines to co-accused Nos. 2 to 4 and received a cheque from them. Subsequently, co-accused Nos. 2 to 4 issued another cheque in favour of the informant. However, the said subsequent cheque was dishonoured. The informant lodged the report with Kotwali Police Station, Ahmednagar, pursuant to which the aforesaid crime came to be registered.

3. Heard the learned Advocate for the Applicant, the learned APP for the State, and the learned Advocate for the Informant.

4. It is submitted by the learned Advocate for the Applicant that, the Applicant has paid an amount of Rs. 5,83,000/- (Rupees Five Lakh Eighty-Three Thousand) to the Informant pursuant to an agreement executed between them. It is submitted by the learned Advocate for the Informant that, the Informant has received the said

amount and the Informant has no grievance against the Applicant. The Informant has filed an affidavit stating that this application be allowed, as he has received the amount from the Applicant.

5. According to the learned APP, an appropriate order may be passed.

6. The learned Advocate for the Applicant has relied upon the decision of a Division Bench of this Court dated 17.03.2023, passed in Writ Petition No. 3721 of 2018, wherein the crime registered for offences punishable under Sections 420, 406, and 409 read with Section 34 of the IPC was quashed against seven [7] out of nine [9] accused. The relevant paragraphs from the said judgment are reproduced below:

8. *Mr. Wakankar learned counsel for the petitioners has submitted that the FIR needs to be quashed only against the petitioners who are seven out of the nine accused as named in the FIR in question, which would amount to passing an order of quashing the FIR in question partially. It is his submission that such course of action is permissible relying on the decision of the Supreme Court in **Lovely Salhotra and Anr. Vs. State, NCT of Delhi**¹ wherein the Supreme Court in paragraph 4 observed thus :*

“4. We have taken into account the fact of the matter in question as it appears to us that no cognizable offence is made out against the appellant-herein. The High court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants-herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2- herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos.2, 3, 4 and 6 prima facie.”

(emphasis supplied)

9. *The decision of the Supreme Court in Lovely Salhotra and Anr. Vs. State, NCT of Delhi (supra) was followed by the Delhi High Court in the case of Mrs. Poonam Khanna Vs. State & others, the Court observing that a request for partial or part quashing of FIR only qua the accused/ offender with whom the complainant had compromised would be a valid course of action. Similar view has been taken in the case of Sunil Tomar Vs. The State of NCT of Delhi & Anr. in the proceedings of CRL. M.C. 1741 of 2021.*
10. *We have accordingly heard learned counsel for the parties. We have also perused the consent terms as entered between parties before the Maharashtra Real Estate Regulatory Authority, Mumbai in the proceedings as noted by us above. It clearly appears that the dispute between the complainant/respondent No.2 and the petitioners stands settled and now in view of the settlement as noted by us, the complainant has no grievance against the petitioners. Thus considering the settled principles of law as laid down by the Supreme Court in the case of **Gian Singh vs. State Of Punjab & Anr.**² and in the case of **Narinder Singh & Ors vs State Of Punjab & Anr.**³, in our opinion, it is in the interest of justice that the FIR in question as consented by the complainant be quashed and set aside in so far as the petitioners are concerned.*
11. *We accordingly allow the petition in terms of prayer clause (a). The FIR No. No.621 of 2018 shall stand quashed and set aside only against the petitioners and in so far as the other two accused are concerned, the Investigating Officer is free to proceed to investigate the offences in the manner as the law mandates.*

2 (2012) 10 SCC 303

3. 2014 (6) SCC 466

7. As the Informant and the Applicant, who is Accused No. 1 in the aforesaid Crime, have arrived at a settlement, and the Informant has no grievance against the Applicant and has no objection for quashing and setting aside the criminal proceedings against the Applicant, I see no legal impediment in allowing the application in the facts and circumstances of the case and in light of the above-referred settled legal position, subject to costs of Rs. 15,000/- (Rupees Fifteen Thousand) to be paid by the Applicant to the office of the High Court Legal Services Sub-Committee, Aurangabad Bench, and the High Court

Bar Library, Advocates Association, High Court Bench at Aurangabad, in the sum of Rs. 7,500/- each, within a period of two (2) weeks.

8. In view of the above, I pass the following order:-

ORDER

[i] The application is allowed to the extent of present Applicant, subject to payment of costs of Rs.15,000/- (Rupees Fifteen Thousand Only), in terms of prayer clause 'B', which reads as under:-

"B" The F.I.R bearing Crime No. 947/2024, registered with Kotwali Police Station, Ahmednagar for the offences punishable u/sec 406,420,504,506,34 of the Indian Penal Code, 1860, and the consequential Charge Sheet bearing R.C.C No. 273/2024, filed before the Id. J.M.F.C Ahmednagar, may kindly be quashed and set-aside to the extent of applicant in the interest of justice.

[ii] Rs. 7,500/- each out of the total cost amount of Rs. 15,000/-, be paid to the High Court Legal Services Sub-Committee, Aurangabad Bench, and the High Court Bar Library, Advocates' Association, High Court Bench at Aurangabad.

[iii] Upon payment, the Applicant shall file the receipts with the office of this Court.

[iv] The Application stands disposed of accordingly.

[NEERAJ P. DHOTE]
JUDGE