

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4932 OF 2024**

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Prathamesh Bhikaji Ghadigaokar

...Petitioner

Vs.

Navneet Singh Bindra and Anr.

...Respondents

Mr. K.K. Holambe Patil a/w Mr. Vishal Shirsat a/w. Mr. Omkar Andhale, Advocates for the Petitioner.

Mr. Bhalchandra M. Kumbhar i/b. Amit Kadam, Advocates for Respondent No.1

Mr. Sukanta Karmalkar , APP for State.

PSI Nitin Palande, Trombay Police Station.

Mr. Prathamesh Bhikaji Ghadigaokar present in court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th JANUARY, 2026.

P.C. :

1. Heard Mr. K.K. Holambe Patil learned Advocate for the

Petitioner, Mr. Bhalchandra M. Kumbhar learned Advocates for Respondent No.1 and Mr. Sukanta Karmalkar, APP for State.

2. Respondent No.2, upon taking cognizance of a complaint lodged by Respondent No. 1 (Trombe Police Station) registered Crime No. 256 of 2010 under sections 420 of IPC and section 66(c) (d) of I.T. Act 2000. Case of the prosecution is that an amount of Rs. 41,700/- was unauthorisedly debited from the bank account of the Respondent No. 2 and the same credited in the bank account of the Petitioner and Manoj Dube. Crime No. 256 of 2010 culminated in filling of chargesheet against Petitioner(Accused No. 1) and Manoj Dube (Accused No. 2), before the Court of the Additional Chief Metropolitan Magistrate, Kurla (“Magistrate”), registered as Criminal Case no. 427/PW/2014.

3. It appears, during the pendency of Criminal Case no. 427/PW/2014, Petitioner and Respondent No.1 entered in a compromise. Petitioner paid the amount of Rs.41,700/- to Respondent No.1, towards the settlement.

4. Application at Exh. 5 filed in Criminal Case no. 427/PW/2014, seeking compounding of the offence under Section 320 of Cr.P.C., was rejected by the Magistrate on 05/07/2018, which reads as follows:-

"Order:

Informant is not present before the court. Accused no.2 is also absent. There is no opportunity to verify the contents of affidavit. In such a circumstances the affidavit is rejected".

5. Aggrieved, Petitioner is before this Court, by way of this Petition.

6. On 14/01/2026, the following order was made:

1) *Learned Advocate for the Petitioner craves leave to amend the petition memo as well as the prayer clause by adding grounds to challenge the order dated 5th July, 2018 which is at Exhibit Page 44 of the paper-book.*

2) *Today, Respondent No.1 appeared through video conferencing. He was identified by Mr. Bhalchandra Kumbhar, learned Advocate for Respondent No.1. Learned Advocate for Respondent No.1 has tendered a copy of the Pan Card of Respondent No.1, which is certified as True Copy by him, same is taken on record and marked as "X" for identification.*

3) *Respondent No.1, who has appeared through VC admits and acknowledges that he has no objection for compounding of the offence.*

4) *Petitioner appears through VC, who is identified by his Advocate Mr. Holambe Patil, who is*

present in Court.

5) *Learned Advocate for Respondent No.1 does not object to the request of the Petitioners and states that Respondent No.1 has received an amount of Rs.41,700/- from the Petitioner and therefore, he has no grievance against the Petitioner. He submits that he is agreeable to compound the offence as far as the Petitioner is concerned.*

7) *In view of the above, leave granted to amend the Petition and place the certified copy of the order dated 5th July, 2018 on record. Mr. Holambe Patil seeks one week to carry out the amendment and to produce the certified copy of the order dated 5th July, 2018 on record. Amendment be carried out within the said time. Amended copy of the Petition be furnished to the Advocate for the Respondents.*

8) *At the request of Mr. Holambe Patil and by consent of parties, list the matter on 20th January, 2026.*

7. Mr. Holambe Patil learned Advocate for the Petitioner and Mr. Bhalchadra Kumbhar learned Advocate for Respondent No.1 jointly submit that the dispute between the parties was in the nature of recovery of amount. They submit that the Petitioner having paid the entire amount (Rs.41,700/-) to Respondent No.1, the criminal proceedings need not be continued and the parties be permitted to compound the offence.

8. Mr. Sukanta Karmalkar learned APP submits that Crime No. 256 of 2010 is registered against two Accused viz. Petitioner

(Accused No.1) and Manoj Dubey (Accused No.2) who is absconding. He submits that the Petitioner and Respondent No.1 having settled the dispute as stated by them before this court and they having agreed to compound the offence, permission to compound be considered qua the Petitioner (Accused No.1).

9. Records of this case reveal subject offense of Crime No. 256 of 2010, to be private in nature, predominantly having civil flavour. Respondent No.1 and Petitioner have resolved the entire dispute amongst themselves, as such there is no chance of recording a conviction insofar as the present Petitioner is concerned. The request for compounding of the offence insofar as the Petitioner and Respondent No.1 is concerned can be granted.

10. The Magistrate ought to have afforded an opportunity to the parties to appear and advance their case, instead of dismissing the application at Exhibit '5'.

11. In view of the above, Petition is allowed in terms of prayer clauses (a) and (a)(1). Consequently, the impugned order dated 05/07/2018 passed by the Additional Chief Metropolitan

Magistrate, Kurla is set aside. Permission to compound the offence (Crime No. 256 of 2010) is granted. Petitioner (Accused No.1) stands acquitted in Criminal Case no. 427/PW/2014 arising out of Crime No. 256 of 2010 registered with Trombe Police Station.

12. Writ Petition is disposed of in the aforesaid terms.

13. No orders as to cost.

(ASHWIN D. BHOBE, J.)