

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

CRIMINAL WRIT PETITION NO.3411 OF 2021

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|---|--|---|------------------|
| 1 | Mr. Amol Ramakant Ekbote |] | |
| | Age 29 years, Occupation - Service |] | |
| | currently unemployed, Residing at |] | |
| | Serenet Society, Flat No.1002, Kumar |] | |
| | Shidhachal, Near Fab India Clothing Store, |] | |
| | Baner, Pune. |] | |
| 2 | Mr. Saurabh Pandurang Mane |] | |
| | Age 25 years, Occupation - Service |] | |
| | currently unemployed, Residing at |] | |
| | Serenet Society, Flat No.1002, Kumar |] | |
| | Shidhachal, Near Fab India Clothing Store, |] | |
| | Baner, Pune. |] | |
| 3 | Aditya Arun Verma |] | |
| | Age 25 years, Occupation- Service |] | |
| | Residing at A/6, Kailas Kutir, |] | |
| | Aundh Road, Range Hills, Pune 20 |] | |
| 4 | Omkar Lalbahadur Kharose |] | |
| | Age 26 years, Occupation - Service |] | |
| | currently unemployed, Residing at |] | |
| | Indira Vashant, Ganeshkhind, Pune. |] | |
| 5 | Dayanand Narhari Landge |] | |
| | Age 27 years, Occupation -Service |] | |
| | currently unemployed, Residing at |] | |
| | Tiranga Building, Shivaji Chowk, |] | |
| | Bhosari, Pune 26 |] | ... Petitioners. |
| | V/s. | | |
| 1 | The State of Maharashtra |] | |
| | (through the Senior Police Inspector |] | |
| | Wanwadi Police Station, Pune) |] | |
| 2 | Mr. Siddharth Shrenik Jain |] | |
| | Age 30 years, Occupation - Service |] | |
| | Residing at A-3/1101, Kumar Siddhachal |] | |
| | Keli Bazar, Market Yard, Pune |] | ... Respondents. |

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Mr. Shriram Pingle i/b. Ms. Shraddha Sawant, for the Petitioners.
Ms. S. D. Shinde, APP for Respondent No.1-State.

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**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.
DATED: 10th FEBRUARY, 2022.**

P.C.:-

1. Heard learned counsel for the Petitioners, learned APP for Respondent No.1 and learned counsel for Respondent No.2. Respondent No.2- Mr. Saurabh Pandurang Mane is also present before this court by virtual mode.

2. The Petitioners are before this court for seeking quashment of the FIR bearing C.R. No.113 of 2021 registered at Wanwadi Police Station, Pune on 6th April, 2021 for commission of the offences punishable under Sections 365, 384, 504, 506 read with 34 of the Indian Penal Code.

3. Perusal of copy of the report placed on record show that the sum and substance of the case against the Petitioners as reflected from the copy of the report placed on record at Ex-A is the Petitioners developed an acquaintance with Respondent No.2 and prompted them from participating in online bating game activities. The Petitioners gave assurances of handsome returns of the amount invested by the Respondent No.2 in the online gaming. Accordingly, the Respondent No.2 invested certain amount and subsequently the Petitioners by giving threats of life to Respondent No.2 indulged themselves in an act of alleged extortion. Accordingly, offences were registered against the Petitioners at the Wanwadi police station. The Respondent No.2 has filed an affidavit in this court. It would be necessary for us to refer to the statements of the affidavit on behalf of the Respondent No.2 and the same reads thus :-

“2. The applicant and the original complainant have decided to resolve the issue amicably and original complainant has given consent out of free will.

3. That we have peacefully and amicably settled our misunderstandings and technicalities should not come in the way for peace to prevail in the society and further, continuing the prosecution in the instant case would be of no benefit to anybody as the crime came to be registered merely on the grounds of understanding and miscommunication.

4. That the matter/ case is resolved peacefully and amicably between us, namely, between, me, Siddharth Shrenik Jain and (1) Amol Ramkant Ekbote, (2) Saurabh Pandurang Mane, (3) Aditya Arun Verma, (4) Onkar Lalbahadur Kharose and (5) Dayanand Narhari Landge and the dispute has been mutually settled amongst us in the interest of justice and in the interest of peace and harmony to prevail in society.”

4. The free will of the Respondent No.2 is reiterated in paragraph No.6 of the affidavit on the specific query put to the Respondent No.2 who is present in this court on virtual mode. Respondent No.2 submitted that the better sense prevailed over the parties and to maintain peace and harmony in general and to maintain cordial relations particularly between the parties the Respondent No. 2 is consented for quashment of the First Information Report lodged at Wanwadi police station. Learned counsel for the Petitioners submitted that the Petitioners are young persons and some of the Petitioners were employed in IT sector and because of the post registration of the crime some of Petitioners lost their jobs and now they are facing severe difficulties in obtaining fresh employment due to registration of crime against them.

5. The learned counsel for the Petitioners further submitted that the Petitioners are repenting and ready to provide for social

services for the past activities and are desirous of chanting a new lease of life in future and for their better future prospect the registration of crime shall not be a hurdle.

6. Considering the above referred facts and more particularly the affidavit filed before this Court by Respondent No.2 and the submissions of Respondent No.2 before this court that the affidavit is filed on his free will and consent.

8. Considering the submissions of learned counsel for the Petitioners that the Petitioners are young persons and are desirous of settling in the life forgetting the past and start their career afresh. We allowed the petition in terms of prayer (a) subject to condition that the Petitioner Nos.1 to 5 and Respondent No.2 to attend Niwara Old Age Home situated at Sadashiv Peth, Pune having on a periodical basis i.e. on every first and third Sunday from 11.00 a.m. to 2.00 p.m. for a period of six months. The Petitioners and Respondents to submit the certificate of their monthly attendance duly consented in the registry for a period of six months.

9. Considering the aspect that in view of the statement of Respondent No.2 that he is ready and willing for quashment of the First Information Report, no fruitful purpose would be served by continuation of FIR or the proceedings which would have been raised on the registration of the crime.

10. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]**, we find that no purpose would be served by keeping the FIR alive, except burdening the

Criminal Courts which are already overburdened. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we are of the considered view that there is no impediment in quashing the FIR in question.

11. With the above referred directions, the petition is allowed and disposed of as such.

12. Authenticated copy of the order be made available to the respective parties.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)