

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

**CRIMINAL APPLICATION NO. 257 OF 2023**

Sunil Surendra Kakkad

...Applicant

***Versus***

The State of Maharashtra & Another

...Respondents

.....

Mr. Shriraj R. Wakale – Advocate for the applicant

Mr. S. D. Ghayal – APP for respondent no. 1/State

Mr. Sandip A. Shendurkar – Advocate for respondent no. 2

.....

**CORAM : MANGESH S. PATIL**

**AND**

**M. M. SATHAYE, JJ.**

**DATED : 20.03.2023**

**PER COURT : -**

.                    Heard both the sides.

2.                    The applicant, who is the sole accused in a criminal case registered on the basis of the FIR lodged by respondent no. 2 for the offence punishable under Section 420 r/w 34 of the Indian Penal Code and Section 66(D) of the Information Technology Act subsequently pending in the form of criminal case before the Judicial Magistrate First Class, Aurangabad, is seeking quashment of the crime and the criminal case on the basis of a settlement.

3.                    The respondent no. 2, who is the original informant, has filed an affidavit vouching in terms of the settlement which includes

payment of sum of money received by the respondent no. 2. Learned advocate for the respondent no. 2, on instructions, submits that the entire amount of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand) mentioned therein is received by respondent no. 2.

4. Considering the fact that the genesis of the dispute is the contract entered into between the applicant – Company and the respondent no. 2 for distributorship of video calling equipment, according to us, no public policy would be offended.

5. True it is that another crime was registered against the applicant in the State of Gujarat, however, the Gujarat High Court has permitted that crime to be quashed on the basis of the settlement. Pertinently, the offence that was registered in the Gujarat State is apparently seen from the order dated 21.12.2015 passed in Criminal Misc. Application (For Quashing & Set Aside FIR/Order) No. 13731 of 2015, which is tendered across the bar by the learned advocate for the applicant, which demonstrates that the offence therein was not of the same kind, it was allowed to be compounded giving a liberty to the Investigating Officer to investigate the crime if some other offence under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 as well as the Employees State Insurance Act, 1948, were concerned. There is no similarity except that the request is for settlement.

6. The application is allowed.

7. The FIR No. I-153 of 2014 registered with Jinsi Police Station, Auranabad dated 03.09.2014 for offence punishable under Section 420 r/w 34 of the Indian Penal Code and Section 66(D) of the Information Technology Act and the charge-sheet are quashed and set aside against the applicant, subject to the applicant depositing costs of Rs. 5,000/- (Rupees Five Thousand) during the course of the day.

**[ M. M. SATHAYE ]**  
**JUDGE**

**[ MANGESH S. PATIL ]**  
**JUDGE**