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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 3263 OF 2013

Rahul Ashok Shah and anr.	...	Petitioners
Versus		
Senior Inspector of Police and Ors.	...	Respondents

Mr. Gaurav Parkar for the petitioners.

Mrs. Abhishek Yende for respondent no. 3.

Mr. K.V. Saste, APP for the State.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.**

DATED : MARCH 10, 2016.

P.C.

1. Petitioners and respondent no. 3 pray for acceptance of consent terms drawn by them which are tendered before the Court. The consent terms are signed by the parties and their respective counsel. Both the parties were present before the the Court yesterday. Respondent no. 3 has also filed affidavit in reply. It is taken on record and marked "X" for identification.

2. Considering the allegations made in the complaint and the facts, we find that predominantly the case is of civil nature. This Court had earlier referred the matter for mediation. Learned counsel submits that the mediation failed and thereafter parties decided to amicably settle the matter and accordingly the dispute is settled. In para 5(b), it is contended that the

Petitioners made payment by cheques and NEFT which are detailed in paragraph 5(b) of the said consent terms. In the consent terms, Respondent no. 3 states that he has no objection if the writ petition is allowed and FIR filed against the present Petitioners is quashed and set aside.

3. Learned APP, on instructions from the Investigating Officer who is present in Court, submits that in the facts of the case, interest of justice would be met if the parties amicably settle the matter.

4. We have perused the consent terms. We find that this is a fit case for exercising our writ jurisdiction. This writ petition is filed under section 482 of the Code of Criminal Procedure for quashing and setting aside C.R. No. 323 of 2013 registered with Oshiwara Police Station, Mumbai for the offence punishable under Sections 406, 420 read with 34 of Indian Penal Code. Hence, we pass the following order :

- (i) Petition is allowed in terms of prayer clause (a).
- (ii) F.I.R. No. 323 of 2013 registered against the petitioners with Oshiwara Police Station, Mumbai for the offence punishable under sections 406 and 420 read with section 34 of Indian Penal Code is quashed and set side.

(A.M. BADAR,J.)

(NARESH H. PATIL, J.)