

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

CRIMINAL WRIT PETITION NO. 4495 OF 2015

Shri Sagir Shaikh

... Petitioner.
(Org.Accused)

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. Vikram R. Sutaria, Advocate for the Petitioner.

Miss. U. V. Kejriwal, APP for the State.

Mr. Siddhesh A. Pilankar, Advocate for Respondent No.2.

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

DATE : 05th MAY, 2016.

P.C. :

1 By this petition, the Petitioner prays for quashing and setting aside F.I.R. being C.R. No. 310 of 2015 for the offence punishable under section 420 of the Indian Penal Code, registered against the petitioner with Ratnagiri Sahar (City) Police Station, Ratnagiri at the instance of Respondent No.2/ Informant - Shekhar Suresh Patwardhan.

2 Heard learned counsel appearing for the Petitioner as well as Respondent No.2/Informant. They unanimously submitted that FIR being C.R. No. 310 of 2015 came to be lodged by Respondent No.2 in respect of the alleged offence committed by the Petitioner under section 420 of the Indian

Penal Code. Learned counsel appearing for both the parties submitted that now the dispute between the parties is amicably settled and as such Respondent No.2/ informant does not want to prosecute C.R. No. 310 of 2015 against the Petitioner. Respondent No.2/ informant - Shekher S. Patwardhan has placed on record an affidavit dated 29th April, 2016. Perusal of the same shows that during pendency of the Consumer Case bearing CC No. 13 of 2016 before the Consumer Court, the parties have arrived at a full and final settlement of claims against each other and accordingly, settled the dispute. It is stated in the affidavit that in view of full and final settlement of claim, Respondent No.2 has no objection if C.R. No. 310 of 2015, registered against the Petitioner is quashed.

3 We have also heard the learned Additional Public Prosecutor appearing for the State-Respondent No.1.

4 We have perused the FIR. Now the civil dispute is stated to have been resolved. The dispute between the parties was predominantly of civil nature regarding recovery of amount and Respondent No.2/ Informant has received Rs. 91,500/- towards full and final settlement of his claim. The parties have amicably settled all the issues and as such chances of conviction in this are too remote. No public law element is involved in the present case. Therefore, in order to

prevent abuse of process of law, the petition needs to be allowed and, therefore, the order :

i) The Writ Petition is allowed.

ii) FIR being C.R. No. 310 of 2015 registered with Ratnagiri Sahar (City) Police Station, Ratnagiri at the instance of Respondent No.2 against the Petitioner for the offence punishable under section 420 of the IPC, is quashed and set aside.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

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