

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 341 OF 2017**

Sanjay Seth

..Petitioner

Vs.

State of Maharashtra & Ors

..Respondents

Mr. Karan Kadam i/b Maitreya G. Shukla for the Petitioner

Mr. Ashish Raghuvanshi i/b Mr. Apoorv Singh for the Respondent No.5

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 23rd AUGUST, 2017**

P.C.

1 By the above Writ Petition filed under Article 226 of the Constitution of India and Section 482 of the Criminal Procedure Code, the Petitioner seeks quashing and setting aside of the FIR/CR No.524 registered under Sections 403, 406, 417, 418, 420, 423, 465, 467, 468, 471, 120(B) of the Indian Penal Code at the instance of the Respondent No.5 which was subsequently transferred to the EOW and numbered as C. R. No.92 of 2016.

2 The parties are closely related and during the pendency of the above Criminal Writ Petition they have arrived at a family settlement dated 15-5-2017, a copy whereof is placed on record along with the affidavit dated 5-8-2017 filed by the Respondent No.5 i.e. the original Complainant. In the said affidavit the Respondent No.5 in paragraph 4 has stated as under :

4. In the light of the family settlement arrived at I do not want to pursue the FIR against the Petitioner as he is my brother and also the same matter is resolved amicably and therefore I do not have any grievance against the Petitioner and I have no objection if the FIR /C.R.524/2016, u/s 403, 406, 417, 418, 420, 423, 465, 467, 468, 471, 120(B) of the Indian Penal Code came to be registered against the petitioner herein which was subsequently transferred to EOW and No. As C. R. EOW No.92/2016 against the Petitioner is quashed and set aside.

3 The Respondent No.5 is personally present in Court. He is identified by the Learned Counsel Mr. Raghuvanshi. He is also identified by his Adhar Card No. 527825001306. When put in the box and queried, the Respondent No.5 states that he has affirmed the said affidavit and the signature on the affidavit is his. He has no objection to the proceeding being quashed. Hence in view of the fact that the parties have settled the dispute amicably and in terms of the law laid down by the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr**², there is no impediment in allowing the above Criminal Writ Petition, the same is accordingly allowed in terms of prayer clause (a). In view of the fact that the parties have settled the dispute amicably, it would be appropriate to direct the Petitioner to pay costs of Rs.25,000/- to the National

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065

Association of Blind, Worli, Mumbai, within 8 weeks from date. The above Criminal Writ Petition is accordingly disposed of.

4 In view of the quashing of the FIR, the EOW is directed to return the passport to the Petitioner and his wife on producing a copy of the instant order.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]