

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

**WRIT PETITION NO.2778 OF 2016
WITH
WRIT PETITION NO.2779 OF 2016
WITH
WRIT PETITION NO.2781 OF 2016
WITH
WRIT PETITION NO.2782 OF 2016
WITH
WRIT PETITION NO.2783 OF 2016**

Shri Narsi Nanji Patel

.. Petitioner

Vs

The State of Maharashtra & Anr.

.. Respondents

...

Mr. Dilip Baburao Shinde for the Petitioner in all writ petitions.

Mr. Nandkumar B. Patil, APP for Respondent No.1 in all writ petitions.

Mr. S. C. Naidu i/b. Mr. Kunal D. Ambulkar for the Respondent No. 2.

***CORAM : A. S. OKA &
ANUJA PRABHUDESSAI, JJ.***

DATE : 31 JANUARY, 2017.

P.C. :

1. Rule

2. The learned counsel appearing for the Respondent No. 2 waives service. The learned APP waives service for the 1st Respondent.

Forthwith taken up for final disposal.

3. These petitions under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 have been filed by the Petitioner for quashing First Information Reports registered at the instance of the 2nd Respondents in these petitions. The Petitioner in these five petitions is the same. The 2nd Respondents who are the 1st Informants are Radharani Puri, Ramarani Puri, Ramnish Puri. Radharani Puri is the informant 2nd Respondent in Writ Petition No. 2778/2016. Ramnish Puri is the 2nd Respondent in Writ Petition No. 2779 of 2016, Writ Petition No. 2782 of 2016 and 2783 of 2016. Ramarani Puri is 2nd Respondent in Writ Petition No. 2781 of 2016. The First Information Reports have been separately registered at the instance of the 2nd Respondents in these petitions invoking the various sections of the Indian Penal Code. The First Information Reports have been registered for the period between 2009-2015.

4. The perusal of the statements of the 2nd Respondents on the basis of First Information Reports were registered shows that the 2nd Respondents belong to the same family. From the year 2008 onwards, the families of the 2nd Respondents and the Petitioner were residing in the building Purivilla, Plot No. 283, Sector No. 28, Vashi, Navi Mumbai. In

fact the First Information Reports record that the Petitioner and the family of this 2nd Respondent had a close relationship. It is stated that the Petitioner was treating Second Respondent in Writ Petition No. 2778 of 2016 as his mother.

5. The parties are relying upon amicable settlement between them. Reliance is placed on a decree passed by the Civil Court in Special Civil Suit No. 607 of 2009 filed by the 2nd Respondent in Writ petition No. 2778 of 2016 to which the Petitioner and his wife are parties. The suit was decreed in terms of the consent terms filed by the parties thereto.

6. The 2nd Respondent in each petition have filed affidavits in reply stating the manner in which their disputes with the petitioner have been resolved. They have recorded their no objection for quashing the criminal proceedings. The details of the settlement have been specifically pleaded in the affidavits filed by the 2nd Respondent.

7. After having perused the First Information Reports, the documents annexed to the petition and affidavits filed by the 2nd Respondents, we find that the First Information Reports were registered

on account of disputes arising out of business transactions and property transactions between the Petitioner and the 2nd Respondent. Now there is a settlement of all the subsisting disputes as evidenced by the affidavit. Perusal of the First Information Report shows that the offences alleged therein cannot be said to be serious offences against society at large. In fact, all offences have predominantly a civil flavour. In view of over all settlement between the parties, now the continuation of Criminal Proceedings will not serve any purpose. The chance of conviction of the Petitioner are very weak.

8. The 2nd Respondents have paid a donation of Rs.25000/- (Rs. Twenty Five Thousand Only) to Naam Foundation, a charitable organization with some repute. These are the fit cases to exercise the power under Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceeding. Accordingly, we pass the following order:-

ORDER

1) Rule is made absolute in terms of prayer clause (a) in Writ Petition No. 2778 of 2016 which reads thus:

(a) Be pleased to quash and set aside or cancelled the FIR No. 409 of 2015, registered with Vashi Police Station

on 3.9.2015 against the present petitioner, for the alleged offence under section 420, 406, of Indian Penal Code.

2) Rule is made absolute in terms of prayer clause (a) in Writ
Petition No. 2779 of 2016 which reads thus:

(a) Be pleased to quash and set aside or cancelled the FIR No. 195 of 2009, registered with CBD Belapur Police Station on 1.6.2009 against the present petitioner, for the alleged offence under section 467, 468, 469, 471, 420, of Indian Penal Code.

3) Rule is made absolute in terms of prayer clause (a)
in Writ Petition No. 2781 of 2016 which reads thus:

(a) Be pleased to quash and set aside or cancelled the FIR No. 171 of 2012, registered with Vashi Police Station on 15.5.2012 against the present petitioner, for the alleged offence under section 452, 323, 143, 147, r/w 34 of Indian Penal Code.

4) Rule is made absolute in terms of prayer clause (a)
in Writ Petition No. 2782 of 2016 which reads thus:

(a) Be pleased to quash and set aside or cancelled the FIR No.231 of 2009, registered with A. P. M. C. Market Police Station on 1.12.2009 against the present petitioner, for the alleged offences under section 435, 504, 507, r/w 34 of Indian Penal Code.

5) Rule is made absolute in terms of prayer clause (a)
in Writ Petition No. 2783 of 2016 which reads thus:

(a) *Be pleased to quash and set aside or cancelled the FIR No. I-280 of 2015, registered with Vashi Police Station on 16.6.2015 against the present petitioner, for the alleged offence under section 452, 504 & 506 r/w 34 of Indian Penal Code.*

9. We are clarify that even the charge sheets filed on the basis of the impugned First Information Reports stand quash and set aside.

10. All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI,J)

(A. S. OKA, J.)