

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

CRIMINAL WRIT PETITION NO.195 OF 2018

Mr. Santosh Narayan Amin Petitioner

Vs.

State of Maharashtra & Anr. Respondents

Mr. Mohitrao J. Jadhav for the Petitioner.

Mrs. P.P. Shinde, APP for the State.

Mr. P.K. Singh i/by Mr. S.H. Mishra for Respondent no.2

**Coram : R.M. Savant AND
Sarang V. Kotwal, JJ**

Date : 17th April, 2018

P.C.

1 The above petition has been filed for quashing of the F.I.R. being CR. No.54 of 2017 registered with Borivali Police Station, for the offences punishable under Sections 354, 323, 504 and 506 of the Indian Penal Code. The said F.I.R. has arisen out of the dispute between the Petitioner and the Respondent no.2 who were good friends and were working in the Hotel Industry.

2 It is not necessary to dilate further on facts in view of the fact that the Respondent no.2, Ms. Dipli Dineshsingh Bisen has filed an affidavit bearing today's date i.e.17th April, 2018 affirmed in this Court. In the context of the relief sought in the present petition, paragraphs 5, 9 and 11 of the said affidavit are material and are reproduced hereinudner:

“5 “That now at this stage/juncture, I and the Petitioner cleared and resolved all our misunderstanding and dispute through intervention of our parents.

9 That whatever have been stated herein, this Affidavit is true, correct and carved out with own free and sweet will and without any coercion, force, intimidation, fear, apprehension, anxiety, angst, agony and anguish or under pressure of Petitioner, family members and friends.

11 That no useful purpose would be served by continuing the prosecution pursuant to the aforesaid F.I.R., in the interest of justice and all fairness that the said F.I.R. to be quashed.”

3 Respondent no.2 Dipti Bisen is personally present in Court. She is identified by the learned counsel, Mr. P.K. Singh h/for Mr. S.H. Mishra. She is also identified by her PAN Card

bearing No. BJBPB0914M. When put in the box and queried, she states that she has read and understood the contents of the said affidavit, which has been tendered today by the learned counsel. She further states that she has signed the affidavit of her own free will and volition, she lastly states that she does not want to proceed with the F.I.R. in question in view of settlement between the parties.

4 The Petitioner, Santosh Narayan Amin is also personally present in Court. He is identified by the learned counsel, Mr. Jadhav. He is also identified by his Adhar Card bearing No. 4982 0518 0495. When put in the box and queried, he accepts the factum of the settlement arrived at between him and the Respondent no.2. Having regard to the affidavit filed by the respondent no.2 and the statements made by the respondent no.2 and the Petitioner, when put in the box and queried, the same indicate that the parties have amicably resolved their dispute and as a result of which the respondent no.2 does not desire to proceed with the F.I.R. in question.

5 Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s State of Punjab & Anr. reported in (2012) 10 SCC 303 and Narinder Singh & Ors. Vs. State of Punjab & Anr., reported in (2014) AIR SCW, 2065 no useful purpose would be served in keeping the proceedings pending. The petition would accordingly be required to be allowed and is accordingly allowed in terms of prayer clause (a).

6 In the facts and circumstances of the case, the Petitioner and the Respondent no.2 to deposit costs of Rs.5,000/- each i.e. totalling Rs.10,000/- with the State Legal Aid Fund within six weeks from date. Receipts to be obtained and filed in the Registry.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)