

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 395 OF 2018

Ms. Shilpa Rao
Age about 33 years,
residing at 1201 Bharat Park
Vista Lallubhai Park,
Andheri – West,
Mumbai – 400 058.

...Petitioner
(org. accused)

Vs.

1. The State of Maharashtra
through Inspector in charge,
Oshiwara Police Station,
Andheri (W), Mumbai 400 053,
to be served through Public
Prosecutor, High Court (A.S.),
Bombay.

2. Mr. Deep Kumar Vohra
Adult, Non-resident Indian
inhabitant, residing at
5600, Forbes Dr. Newark,
CA 94560, United States of America

...Respondents

.....

Mr. Shailesh Povia along with C. Keswani i/by Economic Laws
Practice, Advocate for the petitioner.

Mr. Arfan Sait, A.P.P. - State.

Mr. Deep Kumar Vohra – respondent No.2 present before the Court.

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**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 30th JANUARY, 2018.

ORAL JUDGMENT (PER SMT. V.K. TAHILRAMANI, A.C.J.) :-

Rule. Rule is made returnable forthwith and the matter is heard finally by consent of parties.

2. The petitioner is seeking quashing of M.E.C.R. No. 10 of 2017 of Oshiwara Police Station, Mumbai. The said case is under Section 406, 409, 415, 417, 418 and 420 of the Indian Penal Code. The said case is now pending before learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai.

3. Heard learned Counsel for petitioner/original accused, learned Counsel for respondent No.2 / original complainant and learned APP for the State.

4. The petitioner and the complainant are present before the Court. The complainant stated that the matter has been amicably settled between the parties and he does not wish to pursue the case any further. He also tendered an affidavit to the said effect. The affidavit is taken on record and marked 'X' for identification. In the said affidavit, it is also stated that he has received a Demand Draft of Rs.4,46,633/- and he has no objection to the case being quashed.

5. Looking to the facts of this case, we are of the opinion that it would be covered by the decision of the Supreme Court in the case of **Gian Singh v. State of Punjab**, reported in **(2012) 10 SCC 303**.

6. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that

the complainant does not want to pursue the case, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, M.E.C.R. No. 10 of 2017 and the proceedings relating thereto are quashed.

7. Rule is made absolute in above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)