

JPP

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

WRIT PETITION NO. 1354 OF 2018

Hitesh Jawahar Katira & Ors.

... Petitioners.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. Kartik Garg for the Petitioners.

Ms. M.M. Deshmukh, APP for the State – Respondents.

Mr. Rushit Thakkar for Respondent No.2.

***CORAM : S.S. Shinde and
Smt. Mridula Bhatkar , JJ.***

DATE : 31st August, 2018.

P.C. :-

Heard learned Counsel for the parties.

2. Rule. Rule made returnable forthwith with the consent of the parties.

3. This Petition under Article 226 of the Constitution of India is filed with the following prayer :-

“(b) This Hon'ble Court may be invoking writ jurisdiction under Article 226 of the Constitution of India and by exercising inherent powers under Section

482 of Cr.P.C. may issue appropriate writ, order or direction and the FIR vide C.R. No. 477 of 2017 registered with Mulund Police Station under Section 498A, 354A, 323, 504 r/w. 34 of IPC may kindly be quashed and set aside.”

4. Pursuant to the notice issued to the Respondents, Respondent No.2 has filed the affidavit. Upon perusal of the said affidavit it clearly reveals that the Petitioners and Respondent No.2 have settled the dispute and to that effect averments are there in the affidavit of Respondent No.2.

5. Keeping in view the averments in the affidavit in reply of Respondent No.2 and the exposition of law by the Supreme Court in the case of ***Gian Singh v/s. State of Punjab*** reported in (2012) 10 SCC 303, that inherent power can be exercised in order to secure ends of justice and prevent the abuse of the process of Court in the facts of the present case it is desirable to accept the settlement. Accordingly, the following order is passed :-

- (i) The Writ Petition is allowed in terms of prayer clause(b).
- (ii) Rule is made absolute on above terms.
- (iii) The Writ Petition stands disposed of accordingly.

(Smt. Mridula Bhatkar, J.)

(S.S. Shinde, J.)