

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

CRIMINAL WRIT PETITION NO.2480 OF 2018

Nitin Krishna Pujari : Petitioner.
Versus
State of Maharashtra and anr. : Respondents.

Mr. Nilesh Tribhuvann i/by Ms. Prerna Sharma for the Petitioner.
Mr. K V Saste, Addl. PP for the Respondent/State.
Mr. Dinesh Kadam i/by MZM Legal for the Respondent No.2

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 13th AUGUST 2018

P.C.

1 The above Writ Petition has been filed for quashing of the FIR bearing C R No. 47 of 2018 registered with the Shrinagar Police Station, Thane on 14/04/2018 for the offence punishable under Section 379 of the Indian Penal Code a/w Sections 43B and 66 of the Information Technology Act, 2000. The said FIR is a fall out of the transaction in respect of the internet data.

2 It is not necessary to dilate further on facts. The first informant i.e. the Respondent No.2 herein has filed an affidavit bearing today's date i.e. 13/08/2018 and affirmed before Bidhu Panicker, Advocate High Court, Notary (Govt. of India) having his residence at 303, Sandeep Apt. Plot No.A/197, Sector-20, Near Balaji Temple, Nerul(W), Navi Mumbai, Maharashtra. The said affidavit refers to the Consent Terms which have been arrived at between the parties and which have been executed on 01/05/2018. In the context of

the reliefs sought in the above Writ Petition, paragraph 4 of the said affidavit is material and is reproduced herein under :-

“4 I state that I have perused the Consent Terms and the same was entered into without any coercion or consideration so that all the pending disputes between the parties comes to an end and am aware of the consequences thereof. In the light thereof this Hon'ble Court may be pleased to allow the captioned Petition.”

3 The Respondent No.2 – Sudesh Madhukar Kavade is personally present in Court. He is identified by the learned counsel Shri Dinesh Kadam I/by MZM Legal. He is also identified by his PAN Card No.BGMPK2592N. When put in the box and queried, he states that the affidavit dated 13/08/2018 tendered today by his learned counsel is his. He further states that he has filed the said affidavit in view of the Consent Terms dated 01/05/2018 arrived at between the parties. He further states that in view of the Consent Terms arrived at between the parties, he is not desirous of proceeding with the FIR in question. He lastly states that he has filed the said affidavit of his own free will and volition.

4 The Petitioner – Nitin Krishna Pujari is also personally present in Court. He is identified by the learned counsel Shri Nilesh Tribhuvann. He is also identified by his Aadhar Card bearing No.909627071436. When put in the box and queried, he accepts the factum of the settlement arrived at between

the parties which is reduced into writing by way of the Consent Terms dated 01/05/2018. He further states that in view of the said Consent Terms that the Respondent No.2 is not desirous of proceeding with the FIR in question.

5 Having regard to the Consent Terms dated 01/05/2018, the affidavit filed by the Respondent No.2 bearing today's date i.e. 13/08/2018, 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 settled their dispute as a result of which the Respondent No.2 is not desirous of proceeding with the FIR in question.

6 In the aforesaid factual back-drop a useful reference could be made 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 v/s. State of Punjab & Anr reported in 2014 AIR SCW 2065, which would assist this Court in quashing of the FIR in question in view of the out of Court settlement between the parties.

7 The above Criminal Writ Petition is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (A). The above Criminal Writ Petition is accordingly disposed of.

8 In the facts and circumstances of the present case where the machinery of this Court is utilized for quashing the FIR in question, the Petitioner to deposit costs of Rs.25,000/- with Tata Memorial Hospital, Parel, Mumbai within six weeks from date. Receipt to be obtained and filed in the Registry of this Court. The Respondent No.2 also to to deposit costs of Rs.25,000/- with the National Association of Blind, Worli, Mumbai within six weeks from date. Receipt to be obtained and filed in the Registry of this Court.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

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by Laxmikant
Gopal Chandan
Date: 2018.08.16
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