

of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.

2 The said FIR has arisen in view of the dispute between the parties in respect of the allotment of a flat under a Slum Rehabilitation Scheme. The Respondent No. 2 herein is the first informant. The Respondent No. 2 has filed an affidavit dated 18th June 2018, which is affirmed before Mr. B. R. Dube, Notary, Government of India, Lady Ratan Complex, D. S. Marg, Worli, Mumbai-400 018. The said affidavit is typed on non-judicial stamp paper of Rs. 100/- which has been purchased in the name of Govind M. Kakade on 18th June 2018. The notarial stamps are affixed at the back of the said stamp paper. In the context of the present Application, the following excerpt of the said affidavit is material and is reproduced hereinunder :

“I say that I lodged complaint at R.A.K. Marg Police Station F.I.R. Bearing No. 139/18, U/s. 420, 406, 34, IPC r/w. 3 Mofa Act, against (1) Shri. Govinda M. Kakade (2) Mr. Dinesh G. Kakade, (3) Mrs. Swati G. Kakade.

Further I say that the present matter is already settled between me and abovesaid three persons (Accused) our of the Court. Now I don't want proceed the said matter.

Further I say that I shall withdraw the said complaint as well as the complaint filed before the RERA AUTHORITY. Even though all three applicants (Accused) has filed quashing Petition before Hon'ble Bombay High Court. I shall give my free will and consent to quash the said matter.”

3 The Respondent No. 2 is personally present in Court. He is identified by the learned counsel Mr. R. G. Shatalwar. He is also identified by his Aadhar Card bearing No. 238850581018. When put in the box and queried, he states that he has read and understood the contents of the affidavit. He further states that in view of the settlement between the parties, he has filed the said affidavit. He lastly states that he has filed the affidavit of his own free will and volition and that he does not want to proceed with the FIR in question.

4 The representative of the Applicants Mr. Jitendra Hakmichand Hemani is personally present in Court. He is identified by his Aadhar Card No. 276733827565. He states that settlement has taken place between the Applicants and the Respondent No. 2, as a result of which, the Respondent No. 2 does not desire to proceed with the case in question.

5 The filing of the affidavit by the Respondent No.2, the statements made by the Respondent No.2 and the representative of the Applicants Mr. Hemani to the effect that a settlement has taken place between the parties, indicate that the Respondent No.2 does not want to proceed with the FIR in question in view of the settlement that has taken place between the parties.

6 Having regard to the judgments of the Apex Court in the matters of ***Gian Singh vs. State of Punjab & Anr.***¹ and ***Narinder Singh & Ors. vs. State of Punjab & Anr.***², no useful purpose would be served by the police investigating into the FIR. The above Application is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a).

7 In the facts and circumstances of the case, the Applicants to deposit costs of Rs.25,000/- in total and the Respondent No. 2 also to

1 (2012) 10 SCC 303
2 2014 AIR SCW 2065

deposit costs of Rs. 10,000/- with the State Legal Aid Fund within six weeks from date. Receipts to be obtained and filed in the registry.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.