

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2816 OF 2015**

Keval Govardhan Ukey & Anr. ...Petitioners
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. S. B. Chandan for the Petitioners

Mr. K. V. Saste, A.P.P for the Respondent No.1-State

Mr. Harshad Sathe for the Respondent No. 2

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
WEDNESDAY, 25th JULY, 2018**

P.C. :

1 Leave to amend so as to join the first informant as Respondent No. 2 is granted. Amendment to be carried out forthwith.

2 The above Writ Petition has been filed for quashing of the FIR being C.R. I-112/2015 registered with the Shrinagar Police Station, Thane, for the offences punishable under Sections 392, 323, 451, 427, 504 and 34 of the Indian Penal Code. The said FIR is a fall out of the monetary transaction between the mother-in-law of the Respondent No. 2 and the

Petitioner No. 1 herein. It is not necessary to dilate further on facts as the Respondent No. 2 i.e. the first informant has filed an affidavit dated 6th December 2017 and affirmed in this Court on the said day. In the context of the reliefs sought in the above Writ Petition, Paragraph 4 of the said affidavit is material and is reproduced hereinunder :

“4. I say that, I shall not create any dispute towards anything. I say that both the parties will have to wait long for the trial to reach finality. The differences between the Petitioners and me are purely personal in nature. There is no offence committed as such against the society at large. I say that I have settled all the disputes with Petitioners and I am filing this present affidavit as per my own will and I give my consent to the prayers made by the Petitioners for quashing of the said FIR bearing No. I-112 of 2015 without any force or coercion and hence I do not wish to pursue any legal proceedings against the Petitioners in the subject matter of the said proceedings.”

3 The Respondent No. 2-Sameera Yusuf Khan is also personally present in Court. She is identified by the learned counsel Mr. Harshad Sathe. She is also identified by her Aadhar Card bearing No. 239687628751. When put in the box and queried, she states that the affidavit tendered today by the learned counsel Mr. Sathe is hers. She further states that she has filed the said affidavit in view of the settlement

between her and the Petitioners. She lastly states that she has filed the said affidavit of her own free will and volition.

4 The Petitioner No.1-Keval Ukey is also personally present in Court. He is identified by the learned counsel Mr. Chandan. He is also identified by his PAN Card bearing No. ABAPU1568N. When put in the box and queried, he accepts the factum of the settlement between the Respondent No. 2 and the Petitioner No.1.

5 Having regard to the affidavit filed by the Respondent No. 2, the statements made by the Respondent No. 2 and the Petitioner No. 1, when put in the box and queried, the same indicate that the parties have amicably resolved their dispute as a consequence of which, the Respondent No. 2 is not desirous of proceeding with the FIR in question. In the said context, a useful reference can be made to the judgments of the Apex Court in the matter of *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², which would assist in quashing of the FIR in question in view of the settlement between the parties.

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065

6 The above Writ Petition is required to be allowed and is accordingly allowed in terms of prayer clause (a).

7 In the facts and circumstances of the case, the Petitioner No.1 and the Respondent No.2 to deposit costs of Rs.2,500/- each i.e. total of Rs. 5,000/- 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.