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

CRIMINAL WRIT PETITION NO.5114 OF 2017

Anup Chandrashekhar Inamdar @Abhijeet ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

Mr.V.M.Deshmukh, for the Petitioner.

Mr.K.V.Saste, A.P.P for the Respondent-State.

Mr.R.S.Gamare, for the Respondent No.2.

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.***

DATE : 8th AUGUST, 2018

P.C. :

1. The above Writ Petition has been filed for quashing of the proceedings being C.C. No.99/PW/2016, pending on the file of the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai. The said proceedings have arisen out of the FIR being C.R.No.422 of 2013 registered on 29th November, 2013 with the Versova Police Station, Mumbai, for the offences punishable under Sections 419, 420 and 34 of the

Indian Penal Code and Section 66D of the Information Technology Act.

2. The said FIR is a fall out of the transaction entered into by the Petitioner herein and the Respondent No.2 who had paid an amount of Rs.1,75,000/- to the Petitioner. It is not necessary to dilate further on facts. The First Informant i.e. the Respondent No.2 herein – Chandrabha Ayyar has filed an affidavit bearing today's date i.e. 8th August, 2018 and affirmed in this Court today. She is identified in the said Affidavit by learned counsel Mr.Gamare, who is appearing for her in the above Petition. In the context of the reliefs sought in the above Petition, paragraph 3 of the said affidavit is material and is reproduced herein under:-

“3. I say that I am making this Affidavit to give my no objection in quashing the C.R. No.422 of 2013 registered with Versova Police Station for offence u/s 419, 420, 34 of IPC R/w 66(d) of Information Technology Act 2000 and proceedings i.e. C.C.No.99/PW/2016, pending on the file of Hon'ble 44th M.M Court, At Andheri, Mumbai. I am not interested in prosecuting the Petitioners and I respectfully pray, that this Hon'ble Court be pleased to allow the Petition.”

3. The Respondent No.2 – Chandraprabha Ayyar is personally present in Court. She is identified by the learned Counsel Mr.Gamare. She is also identified by her Aadhaar Card bearing No.4756 6790 0453. When put in the box and queried, she states that she has read and understood the contents of her affidavit dated 8th August, 2018, which is tendered across the bar by the learned counsel appearing for her. She further states that in view of the settlement between her and the Petitioner, she has received an amount of Rs.1,75,000/- from the Petitioner. She states that she is not desirous of proceeding with the case in question in view of the settlement between the parties. She lastly states that she has filed the said affidavit of her own free will and volition.

4. The Petitioner - Anup Chandrashekhar Inamdar @Abhijeet is also personally present in Court. He is identified by the learned Counsel Mr.Deshmukh. He is also identified by his Aadhaar Card bearing No. 4333 9327 5151. When put in the box and queried, he accepts the factum of the settlement having taken place between the parties, as a result of which, he has paid an amount of Rs.1,75,000/- to the Respondent No.2. He states that in view of the settlement that the Respondent no.2 has filed

the said affidavit giving her consent for quashing of the FIR in question.

5. Having regard to the affidavit filed by the Respondent no.2, the statement made by the Respondent no.2 that she has received the amount of Rs.1,75,000/- pursuant to the settlement between her and the Petitioner, the statement of the Petitioner accepting the factum of the settlement arrived at between the parties, the aforesaid facts disclose the reason for the disinclination of the Respondent No.2 to proceed with the case in question.

6. In the aforesaid factual background, a useful reference could 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 the parties in the quashing of the proceedings in question, in view of the settlement between the parties.

7. The above Criminal Writ Petition is therefore required to be allowed and is accordingly allowed in terms of prayer clause 12(i).

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065

8. The above Criminal Writ Petition is accordingly disposed of.
9. In the facts and circumstances of the case, where the machinery of this Court is utilized for settling the dispute between the parties, the Petitioner to deposit costs of Rs.10,000/- with the State Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)