

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5419 OF 2017**

Kabir Sehgal

..Petitioner

Vs.

The State of Maharashtra

..Respondent

Mr. S. B. Chandan for the Petitioner

Mrs. A. S. Pai Addl PP for the Respondent State

Mr. Vinayak Kumbhar for the Respondent No.2

Respondent No.2 present

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ**

DATE : 14th FEBRUARY, 2018

P.C.

1 The above Writ Petition has been filed for quashing of the FIR being No.460 of 2017 registered with the Andheri MIDC Police Station for offences punishable under Sections 341, 337 read with 34 of the IPC. The said FIR has been registered at the behest of the Respondent No.2 herein who is the first informant. The FIR has arisen out of the dispute arising out of the business relationship between the first informant and the Petitioner herein i.e. the accused. The parties have amicably resolved their dispute and have accordingly entered into Consent Terms which have been affirmed on 13-2-2018 but tendered in this Court today. The said Consent Terms evidence the settlement arrived at between the parties. In the context of the present

Petition, paragraph 3 and 12 of the Consent Terms is material and are reproduced herein under:

3 That the informant was an employee under the accused and hence had the same work place. That the present case in hand came to be registered at the instant of the complainant but the accused did not have a major role in it. The complainant has named the accused due to frustration and misunderstanding.

12 Under the aforesaid truthful facts and circumstances, it is therefore prayed that this Honourable Court may be pleased to allow the Petition of the Petitioner as prayed by him and may kindly be dispose of the case as “Compounded”.

2 The Respondent No.2 i.e. first informant is personally present in court. He is identified by the Learned Counsel Mr. Kumbhar. He is also identified by his Indian Passport bearing No.R-2737534 issued on 26-7-2017 and expiring on 25-7-2027. When put in the box and queried he states that the Consent Terms have been read by him and he has understood the same. He further states that the Consent Terms are acceptable to him and that he has signed the said Consent Terms of his own free will and volition.

3 The Petitioner Mr. Kabir Sehgal is also personally present in Court. He is identified by the Learned Counsel Mr. Chandan. He is also identified by his Adhar Card bearing No.297831464685. When put in the box and queried he states that the Consent Terms have been read by him and he has

understood the same. He further states that the Consent Terms are acceptable to him and that he has signed the said Consent Terms of his own free will and volition.

4 Hence reading of the Consent Terms, and having regard to the settlement made by the first informant i.e. the Respondent No.2 and the Petitioner, when put in the box and queried, the same unequivocally indicates that the parties have settled their dispute as a result of which the Respondent No.2 does not desire to proceed with his FIR. Having regard 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, there is no impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the proceedings pending, the above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

5 The Petitioner to deposit costs of Rs.20,000/- to be deposited with the Maharashtra Legal Aid Fund within 6 weeks from date. The Respondent No.2 to deposit costs of Rs.5000/- with the Kirtikar Law Library, High Court Mumbai to be deposited within 6 weeks from date. Receipts to be obtained and filed in the registry.

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR scw 2065

6 The Consent Terms which are paginated from page Nos.1 to 3, are taken on record and marked as “X” for identification.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]