

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

**CRIMINAL WRIT PETITION NO.2423 OF 2019**

Rajiv Sudesh Kumar Mehra ..Petitioner  
V/s.  
The State of Maharashtra & Anr. .. Respondents

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Mr.Mustafa Kachwala I/b Kachwala Misar & Co. for the Petitioner.

Ms.Sangita Shinde, APP for the Respondent-State.

Mr.Jamshed Ansari for Respondent No.2.

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**CORAM : RANJIT MORE &  
SMT.BHARATI H. DANGRE, JJ.**

**DATE : 26<sup>th</sup> JUNE 2019**

**P.C.**

1. Heard the learned counsel for the petitioner and respondent No.2 and learned APP for the respondent No.1-State.

2. The petition is filed for quashing and setting aside the FIR bearing CR No.116 of 2019 registered with L.T. Marg Police Station, Mumbai at the instance of the respondent No.2 for an offence punishable under Sections 406, 420 read with 34 of the Indian Penal Code.

3. The said FIR is filed against three accused namely the petitioner-Ravjiv Sudesh Kumar Mehra, Shekhar Bathiya and Raju Mehra. The allegations made in the FIR is that the petitioner represented that he is owner and wanted to sale the Shop No.479, Krishna Building, Chira Bazar, Mumbai at the relevant time and the complainant purchased said shop. By the above misrepresentation the petitioner obtained an amount of Rs.33,00,000/- from the complainant. Subsequently it transpired that the petitioner is not the real owner of the said shop and thereafter complainant filed above mentioned FIR.

4. Pending investigation parties settled their dispute amicably. In light of the settlement the petitioner on 15.04.2019 paid an amount of Rs.20,00,000/- to the respondent No.2 by way of Demand Draft. Balance amount of Rs.13 lakhs is paid by the petitioner by D.D. to the respondent No.2, today in Court. In pursuant of the above understanding parties have now approached this Court for quashing the subject crime against the petitioner.

5. The respondent No.2 has accordingly filed an affidavit dated 18.06.2019. In Clause (iv) she has stated that she has no objection against the petitioners and accordingly withdraw the all

allegations against him. The respondent No.2 is personally present in Court and on specific query she made a statement that she has gone through the petition and affidavit and understood the contents thereof. She has made the said affidavit on her own free will, without she being subjected to any pressure or undue influence. She specifically state that she has no objection to quash the subject FIR against the present petitioner and other two accused since she has received entire amount from the petitioner.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] has observed thus :-

*“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines :*

*“Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its*

*opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”*

In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between them and no gainful purpose would be achieved in continuing the prosecution.

7. In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh (supra)**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interest of justice, the criminal proceedings deserve to be quashed. However, at the same time, costs need to be

saddled on the parties for putting into motion the police and judicial mechanism for settling their personal disputes.

8. Accordingly, the subject FIR bearing CR No.116 of 2019 registered with L.T. Marg Police Station, Mumbai is quashed and petition is allowed in terms of prayer clause (a), subject to the petitioner depositing cost of Rs.25,000/- to ***Tata Memorial Hospital, Mumbai*** within the period of two weeks from today and placing the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)