

JPP

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

CRIMINAL WRIT PETITION NO. 1236 OF 2021

Mehul Maheshchandra Dave and Anr. ... Petitioners

V/s.

State of Maharashtra and Anr. ... Respondents

Mr. Aalekh Wagh a/w. Priyanka Tiwari i/b. Manoj Bachate for the
Petitioners

Mr. Abhinav Tewari i/b. Sushant Valimbe for Respondent No.2

Ms. S.D. Shinde, APP for the Respondent – State

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 14 DECEMBER 2021

P.C. :-

The Petition is filed for the following prayer :-

“(b) By issuing appropriate writ order and direction under Section 482 of Cr.P.C. and Article 226 of the Constitution, the FIR registered by L.T. Marg Police Station bearing No.150/2020, may kindly be quashed.”

2. The learned Counsel for the Petitioners and the Respondent No.2 state that the dispute that led to filing of this FIR

is a commercial dispute which is now settled by the parties amicably and the Memorandum of Understanding is arrived at wherein the matter is settled on monetary terms. The learned Counsel states that the Memorandum of Understanding is placed on record and the affidavit is filed by the Respondent No.2 acknowledging that the dispute is settled and that the Respondent No.2 has no objection for quashing of the FIR. The learned Counsel for the Respondent No.2 reiterates the contentions stated in the affidavit on instructions of the Respondent No.2, who is present in the Court identified by the learned Counsel for the Respondent No.2.

3. The FIR was lodged on the allegations that the Respondent No.2 was in need of certain printers for which he contacted the Petitioners. The parties negotiated the deal and certain amounts were paid. Since the Respondent No.2 did not receive the printers after making payment and was not satisfied with the answers, he filed the FIR under Section 409, 420 and 34 of the Indian Penal Code.

4. Considering the contents of the FIR which shows a commercial dispute and that now it is settled, we are of the opinion that the contentions of the learned Counsel for the Petitioners and the Respondent No.2 that the case falls within the parameters laid down by the Supreme Court in the case of *Gian Singh v/s. State of*

*Punjab and Anr.*¹ will have to be accepted. No purpose will be served by keeping the prosecution pending.

5. Accordingly, the Writ Petition is allowed in terms of prayer clause (b). Also any further proceeding arising from the said FIR stand quashed. The Petitioners and the Respondent No.2 will pay Rs.10,000/- each, to the Police Welfare Fund, Mumbai and lodge the receipt thereof in the Registry of this Court within a period of four weeks. The order passed today is conditional upon the said payment.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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by JYOTI
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¹ (2012)10 SCC 303