

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.596 OF 2021

Vijay Bhupatrai Mehta ... Petitioner
Vs.
State of Maharashtra and another ... Respondents

Mr. Rizwan Merchant i/b. Rizwan Merchant & Associates for Petitioner.
Smt. A. S. Pai, PP for Respondent No.1-State.
Mr. Aabad Ponda, Senior Advocate i/b. Mr. Karan Jain for Respondent No.2.

**CORAM : S. S. SHINDE &
MILIND N. JADHAV, JJ.**

DATE : JUNE 13, 2022

ORAL ORDER:

. Rule. Rule made returnable forthwith and heard with the consent of learned counsel appearing for the parties.

2. Mr. Merchant, learned counsel appearing for the petitioner, submits that parties have amicably settled the dispute. Mr. Ponda, learned senior counsel appearing for respondent No.2, submits that respondent No.2 has filed the affidavit. Paragraphs 3 to 6 of the affidavit filed by respondent No.2 read as under:-

“3. That, there have been previous dealings of gold between M/s. Master Chain Pvt. Ltd. and the petitioner. That, M/s. Master Chain Pvt. Ltd. parted gold which has formed part in the body of the FIR. That, as per the petitioner the same gold was appropriated against a previous transaction which had taken place between the petitioner and M/s. Master Chain Pvt. Ltd. wherein the present petitioner had given gold to M/s. Master Chain Pvt. Ltd. That, the said two transactions were commercial disputes which have now been amicably resolved and the said matter has been settled between the two parties vide the intervention of senior prestigious members of the gold business.

4. I state that I am filing the present additional affidavit giving my consent to the writ petition made by the petitioner for quashing of FIR No.516 of 2020 under Sections 409 and 420 of IPC registered with L.T. Marg Police Station, be allowed and I have no grievance for the same.

5. I would like to further state that the petitioner and my employer M/s. Master Chain Pvt. Ltd. have amicably settled the said subject matter arising out of the said FIR and we have

received the gold as amicably decided between us.

6. That my consent or of my employer M/s. Master Chain Pvt. Ltd. for such quashing has not been obtained by force, fraud or undue influence from any person whatsoever.”

3. The parties have placed on record the terms of settlement. Both the learned counsel assure the Court that parties will abide by the terms of settlement. On instructions, they submit that the petitioner and also the second respondent will deposit Rs.50,000/- each for the noble cause of legal aid with the High Court Legal Services Authority. Statements accepted.

4. In view of the amicable settlement arrived at between the parties and the fact that the dispute between the parties is predominantly civil in nature, no fruitful purpose will be served by continuing the further investigation / proceedings arising out of C.R.No.516 of 2020 registered with L. T. Marg Police Station for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

5. In that view of the matter, the petition deserves to be allowed and is accordingly allowed in terms of prayer clause V.(i), which reads as under:-

“i. That this Hon’ble court may be pleased to quash and set aside the FIR bearing C.R.No.516 of 2020 for offences punishable under section 409 and 420 of the Indian Penal Code, 1860 registered by the officers of respondent No.1/L.T. Marg Police Station, Mumbai.”

6. The petitioner and respondent No.2 to deposit Rs.50,000/- each with the High Court Legal Services Authority, within four weeks from today, details of which are as under:-

Name	:	High Court Legal Aid Fund
Account No.:	:	60045304283
Bank Name	:	Bank of Maharashtra
Branch	:	Mumbai Fort (2)
IFS Code	:	MAHB0000002

7. Rule is made absolute in the aforesaid terms and the criminal writ petition stands disposed of accordingly.

(MILIND N. JADHAV, J.)

(S. S. SHINDE, J.)