

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

CRI.APPLICATION NO.630 OF 2022

Amit Raghunath Shelar
Age: 42 years, Occ:business
R/a Flat no.502, A-Wing, Bldg.
No.73, Meghdut CHS, SG Barve,
Behind Abhyudaya Bank,
Nehru Nagar, Kurla (E),
Mumbai- 400024

...Applicant.

V/s

1. The State of Maharashtra
(through Nehru Nagar Police
Station, Mumbai)
2.Smt. Ravinder Manoj Gupta
Age 44 years; Occ: Housewife
R/a Rathi B.No.28, Flat No.501,
Vishwa Darshan CHS Ltd.
Nehru Nagar, Kurla East,
Mumbai-4000 24.

...Respondents.

.....

Mr Madan Gupta a/w Ms Shrishti Singh, for the
Applicant.
Mrs P.P. Shinde, APP for the State.
Mr Rohan Hogle, for Respondent no.2.

....

**CORAM: REVATI MOHITE DERE &
R.N.LADDHA.**

DATE : 29 NOVEMBER 2022.

Order (Per R.N.Laddha,J.)

Heard learned Counsel for the parties.

2. Rule. The Rule is made returnable immediately, at the request of and with the consent of the learned Counsel for the parties. Learned Counsel for the Respondents waived service.

3. This is an Application for quashing FIR bearing C.R. No.291 of 2019 registered at the Nehru Nagar Police Station, Mumbai, at the instance of Respondent No.2, alleging the commission of an offence punishable under Section 420 of the Indian Penal Code.

4. When this Criminal Application for quashing the impugned FIR was placed before us, it was stated by both the learned Counsel for the Applicant and Respondent No.2-original Complainant, that the dispute is purely civil and has been amicably settled. They submitted that Respondent No.2 had received the agreed amount from the Applicant. They submitted that no purpose would be served by keeping the prosecution alive, given the settlement between the parties. They submitted that Respondent no.2, in this Application, has also filed the Consent Terms duly affirmed before the Notary. They submitted that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in *Gian Singh Vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. Vs. State of Punjab & Anr.*²

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

5. Learned APP for Respondent No.1 submits that appropriate orders may be passed. Further, he, on instructions, submitted that apart from Respondent No.2 no other person came forward to make any allegations against the Applicant.

6. It reveals from the record that Respondent No.2 has filed Consent Terms dated 30.5.2022, duly affirmed before the Notary. In the said affidavit, she stated that due to misunderstanding and miscommunication between her and the Applicant, the FIR was lodged. She also tendered a copy of the Aadhar Card duly attested by her. Respondent No.2 is present before the Court and stated that she has no objection if the impugned FIR against the Applicant is quashed, given the settlement between them. On questioning, she reiterates what is stated by her in her affidavit. Respondent No.2 has been identified by her Counsel. Learned APP has verified the original Aadhar Card of Respondent No.2.

7. We have examined the facts of the present case in light of the law laid down by the Hon'ble Supreme Court in the case of *Gian Singh and Narinder Singh (supra)*. Based on the material on record, it is apparent that the dispute between the parties has a predominantly civil flavour. In light of the mutual settlement, allowing criminal prosecution to continue would be an abuse of the process of the Court. No fruitful purpose would be achieved

due to a settlement between the parties. In order to secure ends of justice, it would be appropriate in the given case that the impugned FIR and the proceedings arising out of the same are put to an end. The Consent Terms filed on behalf of Respondent No.2 supports the prayer in the Application. Having said so, and on the facts noted above, the impugned FIR bearing C.R.No.291 of 2019, along with the proceedings emanating therefrom, need to be quashed and set aside.

8. Considering these facts and circumstances, we see no difficulty in quashing the impugned FIR *qua* the Applicant. The Criminal Application No.630 of 2022, therefore, is made absolute in terms of prayer clause (a) which reads thus;

“a. This Hon’ble Court be pleased to quash and set aside, the FIR and proceedings arising out C.R.No.291/2019, dated 13.8.2019, registered by Respondent No.2 with Respondent no.1 for the offence punishable U/s. 420 of Indian Penal Code, 1860;”

9. The Applicant to deposit a sum of Rs.10,000/- in Kirtikar Law Library as costs, within three weeks of uploading of this order.

10. Rule is made absolute in the above terms. Application is disposed of accordingly.

11. Stand over to **2 February 2023** for recording compliance of the said deposit of costs.

12. Learned Counsel for Respondent No.2 to file his Vakalatnama, if not filed, within two weeks of the uploading of this order.

13. All concerned to act on the authenticated copy of this order.

(R.N.LADDHA,J.)

(REVATI MOHITE DERE)