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

WRIT PETITION NO. 2240 OF 2022

1. Ratneshwar Kumar Maheshwari
2. Punit Ratneshwarkumar @ Inani
3. Piyush Ratneshwarkumar @ Inani
4. Saurabh Chhabra

5. Abdul Salam

...Petitioners

Versus

1. The State of Maharashtra
2. Sunil Biyani

...Respondents

Mr. Ghanshyam Upadhyay a/w. Mr. Rajkumar Mishra, Mr. Akash Mishra & Mr. Vijay Jha, i/b. Law Juris, for the Petitioners.

Mr. K. V. Saste, APP, for the Respondent–State.

Mr. Yuvraj Choksy, i/b. Argus Partners, for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
DATED : 8th SEPTEMBER 2022**

P.C. :

1. Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal.

3. By this petition, the Petitioners seek quashing of C.R. No.26 of 2020 registered with the EOW, Mumbai at the instance of Respondent No.2, as against them for the alleged offence punishable under section 420 read with 34 of IPC and all consequential proceedings arising from the said CR, in view of the amicable settlement between the Petitioners and the Respondent No. 2.

4. Learned counsel for the Petitioners states that post the lodging of the FIR, the parties amicably settled their dispute and filed consent terms in this Court in Commercial Summary Suit No.63 of 2021. He submitted that in view of the consent terms entered into between the parties, the Commercial Summary Suit No.63 of 2021 was disposed of and decree in terms of the consent terms was passed.

5. Learned counsel for the Respondent No.2 states that the Respondent No.2 has no objection to the quashing of the aforesaid C.R. and all consequential proceedings arising thereto, in view of the amicable settlement between Petitioners and the Respondent No.2.

6. The Respondent No.2 is present in Court. The Respondent No.2 has tendered xerox copy of the Aadhar Card duly attested by him. The same is taken on record. He is identified by his lawyer as well as on the basis of his Aadhar Card, which is shown to the learned APP. The Respondent No.2 when questioned, reiterates what is stated by him in the affidavit dated 23rd June 2022.

7. Perused the papers. The Respondent No.2 is the original complainant who has filed the aforesaid C.R., being C.R. No.26 of 2020 with the EOW, Mumbai as against the Petitioners, alleging an offence punishable under section 420 read with 34 of

IPC. It appears that apart from the aforesaid FIR, the Respondent No.2 had also filed a Commercial Summary Suit in this Court, being Commercial Summary Suit No.63 of 2021. In the said Summary Suit, consent terms were filed by the Petitioners and the Respondent No.2. The said consent terms are dated 3rd June 2022. The said consent terms are at Exhibit 'B' at page 16 of the Petition. This Court vide order dated 14th June 2022 took the said consent terms on record and accordingly, decree was passed in terms of the consent terms and the said suit was disposed of.

8. Considering the nature of dispute between the parties, the amicable settlement between the Petitioners and the Respondent No.2 and the judicial pronouncements in this regard, in the case of *Gian Singh vs. State of Punjab & Anr*¹. and *Narinder Singh & Ors. vs. State of Punjab & Anr*.², we do not find any impediment in allowing the petition.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

9. Accordingly, the petition is allowed and C.R. No.26 of 2020 registered with the EOW, Mumbai as against the Petitioners is quashed and set aside and consequently all proceeding arising from the said CR, is also quashed and set aside.

10. The Petitioners to pay costs of Rs.25,000/- to the Maharashtra Police Welfare Fund (Account No. 9140 100 2900 5759) (IFSC Code:UTI B 0000060) and the Respondent No.2 to pay costs of Rs.25,000/- to the Kirtikar Law Library. The said costs be paid on or before 26th September 2022.

11. Rule is made absolute in the aforesaid terms. The petition is disposed of accordingly.

12. Matter be listed for recording compliance of the said order of deposit on 29th September 2022.

13. All parties to act on an authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.