

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2785 OF 2022**

1. Tarang Sharad Parekh	]	
2. Tejas Dinesh Sarvaiya	]	
3. Naresh Patel	]	Petitioners

Vs.

1. State of Maharashtra	]	
2. Malai Vinodchandra Mehta	]	Respondents

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Mr. Dhiraj Chavan i/b Mr. Ashwin Duggal, for Petitioners.

Ms. S.D. Shinde, A.P. P, for Respondent-State.

Ms. Sampanda Sukale, for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J**

DATE : 13th 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 the petition is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent No.1-State. Ms. Sukale waives service on behalf of respondent No.2.

3. By this petition, the petitioners seek quashing of the First Information Report (for short "F.I.R") bearing No.100 of 2019 registered with the V.P. Marg Police Station, Mumbai, at the instance of respondent No.2 for the alleged offences punishable under sections 454, 457 and 380 of the Indian Penal Code (for short "I.P.C")

4. Learned Counsel for the petitioners submits that post filing of the charge-sheet, the petitioners and the respondent No.2 have amicably settled their dispute and that the respondent No.2 has received the diamonds allegedly stolen by the petitioners.

5. Learned Counsel for respondent No.2 has tendered an affidavit of the respondent No.2 - Malai Vinodchandra Mehta, duly affirmed on 13th September, 2022 before the Notary. The said affidavit is taken on record. Alongwith the said affidavit, he has also tendered a xerox copy of the Aadhar Card of the respondent No.2. The same is also taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2. Learned A.P.P has also verified the original Aadhar Card of the respondent No.2.

On being questioned, the respondent No.2 reiterates what is stated by him in the affidavit i.e he has amicably settled the dispute with the petitioners and he has no objection for quashing of the F.I.R bearing No.100 of 2019 registered with the V.P. Marg Police Station, Mumbai and all consequential proceeding arising out of the said C.R.

6. It appears that the respondent No.2 (Original Complainant) had filed a complaint after his diamonds went missing. The said complaint was filed as against the petitioners. After his diamonds were found, parties (i.e petitioners and respondent No.2) amicably settled their dispute. As noted above, respondent No.2 has filed an affidavit stating therein, that he has no objection for quashing of the C.R No.100 of 2019 registered with the V.P. Marg, Police Station as against the petitioners.

7. We are informed that none of the petitioners have any antecedents.

8. Considering the nature of the dispute and the amicable settlement between the parties and the judicial pronouncements, there is no impediment in allowing the petition.

9. The petition is accordingly allowed and C.R No.100 of 2019 registered with the V.P. Marg Police Station, Mumbai and all consequential proceeding arising from the said C.R., is quashed and set aside.

10. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

11. Each of the petitioners to deposit costs of Rs.15,000/- with the Mumbai Police Welfare Fund, Account No.465010100008693 IFSC: UTIB0000 465 within three weeks from today.

12. Similarly, respondent No.2 shall also deposit Rs.25,000/- with the Mumbai Police Welfare Fund in the aforesaid account within three weeks from today.

13. The aforesaid order quashing the proceedings against the petitioners is subject to costs being deposited, as directed aforesaid.

14. The matter be listed under the caption "For Compliance" on **14th November, 2022.**

15. All the parties to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]