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

CRIMINAL WRIT PETITION NO.2458 OF 2016

Vandanay Vinay Goyal

... Petitioner

Versus

1. The State of Maharashtra
2. Mr. Mahendra Kashrimal Tatar

...
... Respondents

Mr. Datta Mane, for the petitioner.

Mr. J.P. Yagnik, A.P.P for the Respondent No.1-State.

Mr. Ashok M. Chopra, for Respondent No. 2.

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.**

DATE : 14TH OCTOBER 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. Learned A.P.P waives notice on behalf of the respondent No.1-State. Mr. Ashok Chopra, learned counsel waives notice on behalf of the

respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR, bearing C.R. No.159 of 2016, registered with the Malad Police Station, Mumbai, for the alleged offences punishable under sections 341, 447, 504 and 506 of the Indian Penal Code.

4. Quashing is sought on the premise, that the parties have amicably settled their dispute.

5. Perused the papers. The petitioner and the respondent no.2 live in the same society. According to the respondent no.2, the petitioner had encroached on a piece of land, by constructing an iron gate, resulting in denial of access to others. According to the respondent no.2, the petitioner had constructed the said gate, without obtaining the necessary permission, and when questioned about the same, she abused and threatened, the ladies present. Pursuant thereto, the respondent no.2 lodged the aforesaid FIR, alleging the aforesaid offences. With respect to the said incident, a cross FIR, was also

lodged by the petitioner, as against the respondent no.2 and others.

6. Being aggrieved by the registration of the aforesaid FIR i.e. CR No. 159 of 2016, the petitioner filed the aforesaid petition, seeking quashing of the said FIR. This Court vide order dated 8th November 2019, admitted the said petition and by way of interim relief directed the police, not to file charge-sheet without the leave of this Court.

7. It appears that during the pendency of the aforesaid petition, the parties i.e. the petitioner and the respondent no.2, amicably settled their dispute.

8. Learned counsel for the respondent no.2, has tendered the consent affidavit, of the respondent no.2, dated 14th October 2022, duly affirmed, before the Assistant Registrar, High Court, Mumbai. In the said affidavit, the respondent no.2, has stated that the civil dispute as well as the criminal cases, have been settled by the parties, by entering into a

Memorandum of Understanding (MoU) dated 28th January 2020. The said MoU is annexed, to the affidavit of the respondent no.2 tendered today. In the said affidavit, the respondent no.2 has stated that he has no objection for quashing of the said case, registered at his behest, in view of the amicable settlement between the parties and on the terms and conditions stated in the MoU, dated 28th January 2020.

9. The respondent no.2 is present in person. He reiterates what is stated by him, in the affidavit. Learned counsel for the respondent no.2, has tendered a xerox copy of the Adhar card of the respondent no.2, duly attested by him. The same is taken on record. The respondent no.2 has been identified by his consent, and the learned APP has verified the original Adhar card.

10. Considering the nature of dispute, the amicable settlement between the parties, the affidavit of the respondent no.2 and having regard to the judicial pronouncements of the Apex Court in the case of ***Gian Singh vs. State of Punjab &***

Anr.¹ and Narinder Singh & Ors. vs. State of Punjab & Anr.², there is no impediment in allowing the petition.

11. The petition is accordingly allowed and the FIR, bearing C.R. No. 159 of 2016, registered with the Malad Police Station, Mumbai, is quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466