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

WRIT PETITION NO. 3512 OF 2021

Dinesh K. Keavadia and Ors ...Petitioners

Versus

The State of Maharashtra & Anr ...Respondents

- Mr. Mustafa Kachwala i/by Kachwala Misar and Co for the Petitioner
- Mr. J.P. Yagnik, APP, for the Respondent – State.
- Mr. Mrunal Surana, i/by Hariani and Co for Respondent No. 2.

**CORAM : PRASANNA B. VARALE &
SURENDRA P. TAVADE, JJ.**

DATE : FEBRUARY 18, 2022.

PER COURT :

1. Heard learned Counsel appearing for respective parties.

2. The present Petition is filed in this Court seeking quashment of the FIR bearing CR No. 261 of 2018 registered with Bandra Kurla Complex Police Station for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code, 1860, at the instance of Respondent No. 2 – Mahendra Brothers Exports Pvt. Ltd.

3. Pending trial, parties have settled their

dispute amicably and approached this Court for quashing proceedings by executing Memorandum of Understanding dated 23rd August, 2019. The Respondent No. 2 – Hiten Harshadrai Mehta, who has been authorized by Mahendra Brothers Exports Pvt. Ltd., filed an affidavit dated 19th October, 2021. In para 4 of the affidavit, the Respondent No. 2 has given no objection to quash the subject proceedings.

4. Respondent No. 2 is personally present before the Court. On a specific query made by this Court to Respondent No. 2, Respondent No. 2 submitted that he has made the said affidavit on his own will, without there being any pressure, coercion or undue influence.

5. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the FIR alive, except burdening the Criminal Courts which are already overburdened. We are of the view that in the backdrop of the aforestated fact-situation, the continuation of prosecution of FIR in the instant case will amount to abuse of the process of

Court and therefore, it is in the fitness of things to quash the subject FIR in order to secure the ends of justice. We are in agreement with the submission of the learned Counsel appearing for the respective parties that continuation of criminal proceedings in the instant case will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

6. Accordingly, Writ Petition is allowed in terms of prayer clause 'a' subject to the Petitioners providing five computers to the Corporation Schools falling in the area from Marine Lines to Grant Road within eight weeks from today and submit a certificate issued by the Principal / Headmistress of the school in the Registry of this Court within two weeks, failing which, the Petition shall stand dismissed automatically without further reference of this Court and the order quashing the FIR shall be treated as non-est.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)