

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

CRIMINAL WRIT PETITION NO.2662 OF 2022

Virat Jitendra Mehta

...Petitioner

Versus

1. State of Maharashtra

2. Mihir Prafulkumar Mehta

...Respondents

Ms. Ashwini N. Sawant, for the Petitioner.

Ms. M. H. Mhatre, A.P.P for the Respondent No.1– State.

Ms. Sunila Chavan, for the Respondent No.2.

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

DATE : 22nd 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. Learned A.P.P waives service on behalf of the respondent No.1–State. Ms. Chavan waives service on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 162 of 2019, registered with the Pantnagar Police Station, Mumbai, for the alleged offences punishable under Sections 420 and 406 of the Indian Penal Code. The quashing of the proceeding is sought on the ground that the parties have amicably settled their dispute.

4. Perused the papers. According to the respondent No.2, he was into the business of import-export and pursuant thereto, he came in contact with the petitioner. Respondent No.2 has alleged that the petitioner ordered spices from him, vide purchase order dated 16th May 2017 from India to Dubai and that the said goods were transported to the petitioner. Respondent No.2 has further alleged that the petitioner was to make the payments as against the said goods within 60 days from the date of receipt of the goods. However, the said payment was not made by the petitioner, pursuant to which the respondent No.2 lodged the aforesaid complaint, as against the petitioner alleging the aforesaid offences. It appears that after

investigation, charge-sheet has been filed in the said case. It appears that presently the case is pending before the learned Metropolitan Magistrate, 50th Court at Vikhroli, Mumbai being C.C. No.993/PW/2021. It appears that thereafter, the parties amicably resolved their dispute and have amicably settled the same.

5. Learned Counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 25th August 2022, duly affirmed before the Assistant Registrar, High Court, Appellate Side. The said affidavit is on page 86 of the petition. It appears that the parties have settled their dispute for a sum of Rs.8 lakhs. Learned Counsel for the petitioner does not dispute the same. The respondent No.2 in para 7 of the said affidavit has given his no objection to the quashing of the aforesaid C.R./proceeding initiated at his behest. Both the petitioner as well as the respondent No.2 are present in Court. On being questioned, the respondent No.2 states that although the transaction was for about Rs.29 lakhs odd, he has settled the dispute for a sum of Rs.8 lakhs. The respondent No.2 states that he has

received the said amount and that he has no objection to the quashing of the proceeding. Learned counsel for the respondent No. 2 has tendered a self attested xerox copy of the aadhar card of the respondent No. 2. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2.

6. Learned APP has also verified the original aadhar card with respect to the identity of the respondent No.2.

7. Considering the nature of dispute and the amicable settlement between the parties, no useful purpose will be served by continuing the aforesaid C.R./proceeding.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 162 of 2019, registered with the Pantnagar Police Station, Mumbai, and consequentially the proceeding arising therefrom, being C.C. No.993/PW/2021, which is pending before the learned

Metropolitan Magistrate, 50th Court at Vikhroli, Mumbai are quashed and set-aside.

9. The petitioner to deposit a sum of Rs.50,000/-, with the **Mumbai Police Welfare Fund bearing Account No. 465010100008693, IFSC No. UTIB0000465**, as costs. The said costs to be deposited within three weeks from today.

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

11. Needless to state, that on depositing the said amount and producing the receipt of the said deposit, the police to release the passport of the petitioner forthwith.

12. Stand over to 20th October 2022, for recording compliance of the said deposit of costs.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.