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

WRIT PETITION NO. 2660 OF 2016

Ajit Ramdhani Gupta

...Petitioner

Versus

The State of Maharashtra & Another.

..Respondents

.....
Mr. Vinod Pandey i/b S.U. Pandey for the Petitioner
Mr. Dilip Shukla i/b Paresh More for respondent no.2
Ms. S.D. Shinde, APP for respondent no.1 - State
.....

**CORAM : PRASANNA B. VARALE &
G.A. SANAP, JJ.**

Date : March 25, 2022.

P. C. :

1. Heard the learned Advocate for the petitioner, learned APP for the State and the learned Advocate for the respondent No.2.
2. On an application made by respondent no.2 / complainant under Section 156(3) of the Cr.P.C., the learned Metropolitan Magistrate, 68th Court, Borivali, Mumbai ordered a detailed investigation. Based on the said order, crime came to be registered against the petitioner under Section 465, 467, 468, 471 and 420 r/w 120(b) of the Indian Penal Code. It is the main contention of the respondent no.2 that the petitioner fabricated documents and played fraud. The investigation was conducted on the registration of the FIR.

The investigation has culminated in filing of the charge-sheet. The proceeding is pending before the learned Trial Court.

3. After service of the notice, the respondent no.2 has filed an affidavit / declaration / consent for quashing the criminal prosecution (FIR) / criminal case against the petitioner. In the affidavit filed on record, which is at page 122, the respondent no.2 has stated that her initial grievance has been redressed. It is stated that she and the petitioner have amicably settled the matter.
4. It seems that in order to lead their further life in harmony, the petitioner / accused and the informant – respondent no.2 have settled their dispute amicably. On going through the record, in our view, there shall be no impediment in accepting the settlement arrived at between the parties. Since the parties have settled their dispute amicably, no fruitful purpose would be served by continuing the prosecution. In our view, therefore, the prayer made for quashing of the FIR / Criminal Case by consent, deserves to be granted.
5. The learned Advocate for the respondent no.2 submits that today the respondent no.2 is unable to attend the Court as she has been residing at Nalasopara (E), Palghar. We accept this statement.
6. In view of this position, the petition is allowed in terms of prayer clause (a), which reads thus :-

“(a) The FIR / MECR No. 1/2014 registered by Bangur Nagar Police Station, Goregaon (West), for the offence committed under Section 465, 467, 468, 471, 420 r/w 120(b) of the IPC 1860 be quashed and set aside.”

7. In view of the fact and circumstances, we direct the petitioner and respondent no.2 to Rs.5,000/- each as cost. Cost shall be deposited in Mumbai Police Welfare Account within two weeks from today.
8. All concerned to act upon a copy of this order which is duly authenticated by the Registry of this Court.

[G.A. Sanap, J.]

[Prasanna B. Varale, J.]