

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

WRIT PETITION NO.4030 OF 2021

Karan Rajendra Madan
And Others ... Petitioners
Versus
The State of Maharashtra
And Others ... Respondents

**ALONG WITH
WRIT PETITION NO.4033 OF 2021**

Umesh Aatmaram Mulani
And Others ... Petitioners
Versus
The State of Maharashtra
And Others ... Respondents

Mr. Abhijeet C. Mahadookar a/w Mr. J.P Verma for the Petitioners in Writ
Petition No.4030 of 2021 and for Respondents in Writ Petition No.4033 of
2021.

Mr. Karl Rustom Khan a/w Sushil Singh for the Petitioners in Writ Petition
No.4033 of 2021 and for Respondents in Writ Petition No.4030 of 2021.

Mrs. A.S. Pai, PP for the Respondent-State in both Petitions.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 2 MAY 2022

P. C. : (Per S.M. Modak, J.)

. Criminal Writ Petition No.4033 of 2021 is filed by four accused
persons in an offence registered with Charkop Police Station, bearing C.R.
No.117 of 2010 on 1 May 2010. It was registered under Sections 348,
384, 506-I read with Section 34 of the Indian Penal Code on the

complaint of Karan Rajendra Madan, Respondent No.2. Said Karan was introduced to Nikita Mulani, through his friend Nikita Gwalani. They have developed relationship and they used to meet each other and do hotelling. Said Nikita Mulani parted away Rs.35,000/- to Respondent No.2 on account of relationship. Even he was persuaded to part away Rs.20,000/- and Rs.30,000/- on the pretext of incurring expenses on account of accident. The incident took place on 23 April 2010. Respondent No.2 Karan through his brother Kavesh was called in the house of Nikita Gwalani. The Petitioner forced Respondent No.2 Karan to part away money obtained from Nikita. The first informant Karan parted away Rs.50,000/- and also delivered Bajaj Discovery Bike. He was threatened to be killed through goondas. His signature was obtained on writing by saying that Respondent No.2-Karan has obtained a loan of Rs.2,00,000/-. After release from the house of Nikita, Respondent No.2 filed complaint to Charkop Police Station as mentioned above. The police have filed a chargesheet bearing C.C. No.2677/PW/2012 and it is pending in the Court of Learned Metropolitan Magistrate, 24th Court at Borivali.

2 As against this, Writ Petition No.4030 of 2021 is filed by the three Petitioners with a request to quash C.R. No.160 of 2010 dated 27 April 2010 with Amboli Police Station under Sections 384, 394, 506(1) read with Section 34 of the Indian Penal Code. It was registered on the complaint of Respondent No.2 Nikita Mulani. Respondent No.3 Priyanka is her mother. The first informant Nikita has alleged that the Petitioners were her friends and when they used to do hoteling, Petitioners used to add Vodka in cold drinks and the Petitioners have snapped her nude pictures. There are further allegations that the Petitioners used to blackmail her and compel her to part away Rs.3,00,000/- to

Rs.3,50,000/-.

3 Again on the pretext of incurring expenses due to accident, Nikita was persuaded to part way Rs.40,000/- by the Petitioners. On 24 April 2010, Nikita was again blackmailed to part away cash and her golden bangle under the threat of publication of her photographs.

4 Finally she lodged complaint with Amboli Police Station and Police have filed chargesheet bearing No.CC No.637/PW/2011 in the Court of Metropolitan Magistrate 66th Court at Andheri, Mumbai.

5 During the pendency of both these proceedings, both parties have settled dispute and decided to co-operate for quashing of the prosecution. The first informant Karan, Respondent No.2 has filed an affidavit in Writ Petition WP 4033-21, thereby confirming about settlement and giving his consent for quashing of the prosecution. Whereas, the first informant Nikita Mulani has filed affidavit in Writ Petition No.4030 of 2021. At the time of lodging FIR, she was minor, but now she has become major.

6 In view of settlement between the parties, no purpose will be served in continuing the prosecution. It will be mere futility. In future, both parties are not required to attend Criminal Court. Both parties have made allegations against each other, thereby parting away money in different circumstances.

7 With these observations, we are inclined to exercise our power under Section 482 of Criminal Procedure Code. Hence, Order.

: O r d e r :

- (i) Writ Petition Nos.4030 of 2021 and 4033 of 2021.
- (ii) C.C. No.2677/PW/2012 pending before Court of Metropolitan Magistrate's 24th Court at Borivali for the offences punishable under Sections 348, 384, 506(1) read with Section 34 of the Indian Penal Code, arising out of FIR No.117 of 2010 is quashed and set aside.
- (iii) C.C. No.637/PW/2011 pending before Court of Metropolitan Magistrate 66th Court at Andheri, Mumbai for the offences punishable under Sections 394, 384, 506(1) read with Section 34 of the Indian Penal Code, arising out of FIR No.160 of 2010 is quashed and set aside.
- (iv) The Petitioner and Respondent No.2 in both the Petitions are directed to participate in the activity of cleaning Versova Beach undertaken by Afroz Shah Foundation on every second and fourth Sunday for six months.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)