

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

CRIMINAL WRIT PETITION NO.3921 OF 2022

1. Lavkumar Gopikumar Singhania
 2. Sunil Ramdev Jha
 3. Omkarpuranchand Jaiswal
- ...Petitioners
- Versus
1. The State of Maharashtra
 2. Shharad Gopikumar Singhania
- ...Respondents

Ms. Kenny Thakkar a/w Ms. D. M. Bhayani and Ms. Pragya i/b M/s. KVT Legal, for the Petitioners.

Mr. K. V. Saste, A.P.P for the Respondent No.1– State.

Mr. Deepak Dere a/w Ms. Khushboo Agrawal, for the Respondent No.2.

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

DATE : 16th DECEMBER 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. Dere waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Criminal Procedure Code, the petitioners seek quashing of the FIR bearing C.R. No. 998 of 2021, registered with the L. T. Marg Police Station, Mumbai, for the alleged offences punishable under Sections 457, 380 r/w 34 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. The petitioner No.1 is the brother of the respondent No.2 (original complainant), the petitioner No.2 is the father-in-law of the petitioner No.1 and the petitioner No.3 is the friend of the petitioner No.2. According to the respondent No.2, the incident took place on 7th November 2019. He has alleged that the petitioners entered his premises and committed the alleged offences, pursuant to which, he filed the aforesaid FIR, as against the

petitioners, alleging the aforesaid offences. Admittedly, no charge-sheet has been filed in the said case, till date.

5. It appears that apart from the aforesaid CR, there are several C.Rs/cases *inter se* between the parties i.e. the family members. During the pendency of the said cases by the relatives, against each other, the parties decided to amicably settle their dispute and accordingly entered into a Family Settlement Deed dated 10th August 2022. The said Family Settlement Deed, which is at Exhibit – ‘B’, on page 27 of the petition, which set outs the terms of settlement arrived at between the parties.

6. Learned Counsel for the respondent No. 2 has tendered an affidavit of the respondent No.2 dated 28th September 2022, duly affirmed before the Assistant Registrar, High Court, Appellate Side. The same is taken on record. To the said affidavit is annexed a self-attested xerox copy of the aadhar card of the respondent No.2. In the said affidavit, the respondent No.2 has stated that after the demise of

their father i.e. the father of the petitioner No.1 and the respondent No.2, several disputes and differences arose between the family members, which were subsequently resolved by the parties by entering into Family Settlement Deed dated 10th August 2022. In the said affidavit, the respondent No.2 has given his no objection to the quashing of the aforesaid C.R. initiated at his behest. Respondent No.2 is present in Court. On questioning, he re-iterates what is stated by him in his affidavit. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has also verified the original aadhar card of the respondent No.2.

7. Considering the nature of dispute, the relations between the parties; the Family Settlement Deed entered into between the parties, the affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in *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.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

8. The petition is accordingly allowed and the FIR bearing C.R. No. 998 of 2021, registered with the L. T. Marg Police Station, Mumbai, is quashed and set-aside.

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

10. The petitioners to deposit a sum of Rs. 15,000/- (in total), 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.

11. Stand over to **31st January 2023**, for recording compliance of the said deposit of costs.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.