

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

CRIMINAL APPLICATION NO.1076 OF 2022

1.Mr. Mahesh Dattatray Khedkar
Age 52, Occ: Business
R/At : N.R.Savarkar Bhavan, Sector 25,
LICA, Plot No.7, Atharva,
Nigdi, Pune-411044

2. Mr. Raghavendra Dattatray Khedkar
Age 54, Occ: Business
R/At: Plot 420, Sector 25,
Behind Radhakrishna Temple,
Pradhakiran, Nigdi, Pune 411044.

3.Mr Hemant Raghavendra Khedkar
Age 54, Occ: Business
R/At: Plot 420, Sector 25,
Behind Radhakrishna Temple,
Pradhakiran, Nigdi, Pune 411044

4. Mr. Chintamani Raghavendra Khedkar
Age 52, Occ: Business
R/At : N.R.Savarkar Bhavan, Sector 25,
LICA, Plot No.7, Atharva,
Nigdi, Pune-411044

... Applicants.

V/s

1. The State of Maharashtra
Through Officer in Charge of
Nigdi Police Station.

2. Mr Samarth Vipinshankar Jha
Age 26 years, Occ:Business,
R/at 402, Sahayog Onella Flats,
Near Passport office, Nijampura,
Vadodara, Gujrat

...Respondents.

Mr. Anoop Patil a/w Mr. Dipendra Bose for the Applicants.

Mrs P.P. Shinde, APP for the State.

Mr Anand Bhatia a/w Ms Shweta Verma for Respondent No.2.

PSI Ganesh Gaikwad, Nigadi Police Station, Pimpri Chinchwad present.

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**CORAM: REVATI MOHITE DERE &
R.N.LADDHA.**

DATE : 21 NOVEMBER 2022.

Order (Per R.N.Laddha,J.)

Heard Mr Anoop Patil, learned Counsel appearing on behalf of the Applicant, Ms P.P. Shinde, learned Additional Public Prosecutor for first Respondent State and Mr Anand Bhatia, learned Counsel for Respondent No.2.

2. Rule. The Rule is made returnable immediately, at the request of and with the consent of the learned Counsel for the parties. Learned Counsel for the Respondents waived service.

3. This is a petition for quashing FIR No.57 of 2022 registered at the Nigadi Police Station, Pimpri Chinchwad-Pune,

alleging commission of offences punishable under Sections 379, 420, 465, 467, 468, 471 r/w Section 34 of the Indian Penal Code. It is alleged in the FIR that the Applicant along with others cheated the Company of the first informant by showing the Insurance of the buses which infact were of two wheelers.

4. Mr Anoop Patil and Mr Anand Bhatia, in unison, submitted that the parties have amicably settled the dispute. It is submitted that the Consent Terms have arrived between the parties, and a copy is placed on record before this Court. It is submitted that in the Consent Terms, it was mutually decided by the parties that the present impugned FIR be quashed. They submitted that the parties would abide by the terms and conditions set out in the Consent Terms. It is submitted that no purpose would be served by keeping the prosecution alive, given the settlement between the parties. It is submitted that Respondent No.2 has also filed the Consent Affidavit. The learned Counsel for the parties submitted that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Giansingh Vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. Vs. State of Punjab & Anr.*²

5. Learned APP for Respondent No.1 submits that appropriate orders may be passed.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

6. It reveals from the record that Respondent No.2 has filed the Consent Affidavit dated 18.10.2022, duly affirmed before the Notary and an Aadhar Card duly attested by him. Respondent No.2 is present before the Court and stated that he has no objection if the impugned FIR against the Applicants is quashed in view of the settlement between the parties. On questioning, he reiterates what is stated by him in the affidavit. Respondent No.2 has been identified by his Counsel. Learned APP has verified the original Aadhar Card of Respondent No.2.

7. We have examined the facts of the present case in light of the law laid down by the Hon'ble Supreme Court in the case of *Giansingh and Narinder Singh (supra)*. Based on the material on record, it is apparent that the dispute between the parties has a predominantly civil flavour. Since the parties have amicably settled their dispute, the possibility of conviction is remote and bleak. Further continuation of the proceedings would be tantamount to the abuse of the process of law. Since Respondent No.2/First Informant will not support the allegations made by him in the impugned FIR, nothing fruitful will come out of the prosecution.

8. Considering these facts and circumstances, we see no difficulty in quashing the impugned FIR *qua* the Applicants. Accordingly, the Application is allowed in the following terms.

ORDER

- i) The Application is allowed.
- ii) The FIR bearing C.R.No.57 of 2022 registered with the Nigdi Police Station, Pune, as against the Applicants and consequently the proceedings arising therefrom, are quashed and set aside.
- iii) The Applicants, together, to deposit a sum of Rs.50,000/- with the **Central Police Welfare Fund bearing Account No. 914010029005759, I.F.S.C.No.UTIB0000060**, as a cost, within three weeks of uploading of this order.
- iv) Rule is made absolute in the above terms.
- v) Application is disposed of accordingly.
- vi) Stand over to **2 February 2023** for recording compliance of the said deposit of costs.

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

10. Learned Counsel for Respondent No.2 to file his Vakalatnama, if not filed, within two weeks of the uploading of this order.

(R.N.LADDHA,J.)

(REVATI MOHITE DERE)