

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

CRIMINAL APPLICATION NO. 158 OF 2023

Mr Som Samir Chatterjee
Age 41 years, Occ: ServicesR/at A 107,
Dreams Elina, Handewadi Road,
Satav Nagar,
Hadapsar, Pune 411028. ... Applicant

Versus

1. The State of Maharashtra
(Through Koregaon Park Police Station)
2. Mr. Sandeep Bhargav
Aged: 54, Occu.: Business
R/at 103/1014 Sky Park,
New Kanatwadi Road, Pali Hill,
Bandra (West), Mumbai 400050 ... Respondents

Mr Tanmay Karwa for Applicant.

Mr Chaitanya Kulkarni for Respondent No.2.

Smt A S Pai, GP a/w. Mr J P Yagnik, APP for the Respondent
No.1-State.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 5th JULY 2023

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

Heard learned counsel for the parties.

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5th July 2023

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. By this Criminal Application, under Section 482 of the Code of Criminal Procedure, 1973, the applicant seeks the quashing of FIR No. 03 of 2012, dated 26 January 2012, registered against him at Kaoregaon Park Police Station, at the instance of Respondent No.2 for the offences punishable under Sections 406, 417, 420, 465, 468, 471 r/w 120B of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. When this Criminal Application for quashing the impugned FIR was placed before us, it was stated by the learned counsel for Applicant and Respondent No.2/Original Complainant that the dispute was arising from commercial transaction, and had been resolved amicably by paying one time settlement amount of Rs.5,00,000/- to the Complainant. They submit that dispute was purely civil and continuing the prosecution would serve no purpose, given the settlement between the parties. They also submitted that a copy of the Memorandum of Understanding executed between Applicant and Respondent No.2 has also been filed on record. They

argued that this case is covered by the Hon'ble Supreme Court's decisions in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

5. Learned APP representing Respondent No.1 submits that suitable orders may be passed.

6. The learned counsel for Respondent No.2 tendered a consent affidavit dated 5 July 2023. Respondent No.2 appeared in Court and stated that he has no objection to the quashing of the impugned FIR against the Applicant due to a settlement between them. Upon questioning, he confirmed the contents of his affidavit. His counsel identified him, and the learned APP has verified his original Aadhar Card, of which a duly signed copy is placed on record.

7. After examining the present case in accordance with the law laid down by the Hon'ble Supreme Court in the cases of *Gian Singh and Narinder Singh (supra)* and the material on record, it is clear that the dispute between the parties had been resolved amicably. As the complainant has received the one time settlement amount, continuing the prosecution

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

would be an empty formality. In order to secure ends of justice, it would be appropriate in the given case that the impugned FIR is put to an end. The consent affidavit filed on behalf of Respondent No.2 support the prayer to quash the impugned FIR. Therefore, based on these facts, FIR bearing C.R. No. 03 of 2012 registered with Koregaon Park Police Station against the Applicant needs to be quashed and set aside. Accordingly, we allow this Criminal Application in terms of prayer clause (a) and quash and set aside the subject FIR No.03 of 2012 dated 26 January 2012 and the proceedings arising therefrom, subject to the condition that the Applicant and Respondent No.2 deposit a sum of Rs.25,000/- each with the High Court Legal Services Authority within three weeks of the uploading of this order.

8. Rule is made absolute in the above terms. Application is disposed of accordingly.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

L.S.Panjwani, PS.