

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

CRIMINAL WRIT PETITION NO. 2469 OF 2021

- | | |
|-----------------------------|-----------------|
| 1. Marshal Stephen Das | |
| 2. Kalpana Stephen Das | |
| 3. Cristina Stephen Das | ... Petitioners |
| Versus | |
| 1. The State of Maharashtra | |
| 2. Shridevi Nitin Mishra | ... Respondents |

Mr. Vikrant Phatate, for the Petitioners.

Mr. Y. M. Nakhwa, APP for the Respondent No.1– State.

Mr. Prasad Kulkarni, for the Respondent No.2.

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

DATE : 31st JANUARY, 2023.

P. C. :

Heard learned Counsel for the parties.

2 Rule. Rule is made returnable forthwith with the consent of the parties and the Petition is taken up for final disposal. Learned A.P.P. waives notice on behalf of the respondent No.1–State and learned Counsel Mr. Prasad Kulkarni 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 Code of Criminal Procedure, 1973, the petitioners seek quashing and setting aside of the FIR, bearing C.R.No. 1338 of 2020, registered with the Sadar Bazar Police Station, Solapur, for the alleged offences punishable under Sections 406, 420, 504, 506 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. According to the respondent No.2, she entered into a partnership agreement with the petitioner No.1 for running a shop. The partnership agreement is at page 18 of the Petition. According to the respondent No.2, she was promised 40% of profit from the services/business to be started from the said shop i.e. from CADD Bridge Training Service Pvt. Ltd. In addition Rs.50,000/- was promised to be given to her. As the petitioner No.1 did not fulfill his promise, the respondent No.2 lodged the aforesaid FIR as against the petitioner alleging the aforesaid offences. Admittedly, charge-sheet has not been filed in the said C.R. till date.

5 In the interregnum, during the pendency of the aforesaid C.R, the parties amicably settled their dispute and decided to put a quietus to the same. Learned Counsel for the respondent No.2 has filed an affidavit of the respondent No.2 dated 13th December, 2021 duly affirmed before the Assistant Registrar, High Court, Bombay. In the said affidavit, the respondent No.2 has stated that the dispute is amicably settled and that she does not wish to proceed further as against the petitioners.

6 The respondent No.2 is present in person. On being questioned, she re-iterates what is stated by her in her affidavit. She has been identified by his Counsel. Learned Counsel for the respondent No.2 has tendered a photocopy of the Aadhar Card duly attested by her. The same is taken on record and the original is verified by the learned APP.

7 Considering the nature of dispute, the amicable settlement between the parties, the affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in the case

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.

8 Accordingly, the Petition is allowed and the FIR, bearing C.R.No. 1338 of 2020, registered with the Sadar Bazar Police Station, Solapur, as against the petitioners, is quashed and set aside.

9 The petitioners to pay in total cost of Rs. 20,000/- with Central Police Welfare Fund bearing Account No. 914010029005759, IFSC No. UTIB0000060. The said cost to be deposited within four weeks from today.

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

11 The above order is subject to costs being deposited as stated aforesaid.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

12 List on **14th March, 2023**, under the caption ‘for compliance’.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.