

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

CRIMINAL WRIT PETITION NO. 2423 OF 2023

1. Mr Mangesh Ramesh Potdar
Occupation – Service (HR Manager)
Aged: 34 years, Residing at: 7/104, Kamada
Housing Society, Near Khaire Hospital,
Chinchwad, Pune 411033.
2. Mr Manish Thakur,
Occupation – Service (Plant Head)
Aged: 48 years, Residing at: B-Tower,
Flat No. 1502, Prima Domus,
No. 32/2, Balewadi, Pune 411045.
3. Nazir Yusuf Inamdar
Occupation – Service (Slitting Operator)
Age 34 Years, Occupation Services
Office at Chakan, Khed, Pune. ... Petitioners

Versus

1. The State of Maharashtra,
(Through Chakan Police Station)
2. Mr Sidharth Devidas Gethe,
Age: 31 years, Residing at: Flat no 306,
Sai Ganesh Aangan Society Near Government
Hospital Shirwal Taluka Khandala
District Satara Pincode 412801. ... Respondents

Mr Chetan Alai for the Petitioners.

Mr Suhas Deokar for the Respondent No.2.

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

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

DATE : 17 JULY 2023

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

Heard Mr Chetan Alai, learned counsel appearing on behalf of Petitioners and Mr Suhas Deokar for Respondent No.2. Mrs A. S. Pai along with Mr J. P. Yagnik appeared for the State.

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

3. The Petitioners have filed this Criminal Writ Petition under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973, to quash FIR No. 1409 of 2021 dated 17 November 2021, registered at Chakan Police Station, Pimpri-Chinchwad, Pune. The FIR was filed for offences punishable under Sections 465 and 471 read

with 34 of the Indian Penal Code. The Petitioners seek to quash the impugned FIR on the ground that they have amicably settled the dispute with Respondent No.2.

4. At the outset, the learned counsel for the Petitioners and Respondent No.2 jointly submitted that the dispute between the parties has been resolved amicably. They argued that continuing the prosecution would serve no purpose, given their settlement between the parties. They also submitted that this case falls under the purview of the law laid down by the Hon'ble Supreme Court in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

5. The learned APP for Respondent No.1 submitted that appropriate orders may be passed.

6. The records show that the complainant/Respondent No.2 filed a consent affidavit on record, extending his consent to quash the impugned FIR and the proceedings arising from it. Respondent No.2 is present before us and stated that he has no objection to quashing of the impugned FIR against the Petitioners due to a settlement between them.

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

When questioned, he reiterated the contents of his affidavit and was identified by his counsel. The learned APP 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 by the Hon'ble Supreme Court in the cases of ***Gian Singh and Narinder Singh (supra)*** and considering the material on record, it is clear that the dispute between the parties has been resolved amicably and a settlement agreement was entered into on 21 February 2023 before the Court below. Furthermore, a Memorandum of Understanding/consent terms has been executed between the parties, wherein Respondent No.2 agreed to withdraw all the allegations made in the impugned FIR. As the complainant/Respondent No.2 is no longer willing to support the allegations, continuing prosecution would be an empty formality. In order to secure ends of justice, it would be appropriate in this case to put an end to the impugned FIR. The affidavit filed on behalf of Respondent No.2 supports this prayer. Additionally, the dispute does not have any ramifications on society at large. In view of this, the impugned FIR and the proceedings arising therefrom need to be quashed and set aside.

8. As we expressed our opinion, the learned counsel for the Petitioners, on instructions, submitted that the Petitioners will pay costs of Rs.25,000/- each to Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. We, therefore, direct the Petitioners to pay costs of Rs.25,000/- each within three weeks of this order being uploaded.

9. Accordingly, we quash and set aside the impugned FIR bearing No.1409 of 2021 dated 17 November 2021, registered at Chakan Police Station, Pimpri-Chinchwad, Pune, against the Petitioners and the proceedings arising from it.

10. Rule is made absolute in these terms, and this Petition is disposed of subject to payment of cost as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

BIPIN
DHARMENDER
PRITHIANI

Digitally signed by BIPIN
DHARMENDER PRITHIANI
Date: 2023.08.07 10:27:57
+0530