

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

WRIT PETITION NO.1442 OF 2018

Bharat Mithalal Nagori
Age:57 years, Occ:Business,
Office at:161/1, Shiv Sagar
Co-operative Society, Ganesh
Khind Road, Near 1 Modibaug,
Shivaji Nagar, Pune-411016.

CHITRA
SANJAY
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... Petitioner.

Vs.

1.State of Maharashtra
Through the Senior Inspector of
Police, Khadak Police Station,
Pune.

2.Mahendra Manilal Sanghvi
Adult, Occ: Business,
R.at 53/B, New Timber Market,
Bhawani Peth, Pune-411042.

... Respondents.

ALONGWITH

CRIMINAL APPLICATION NO.171 OF 2022

1.Pravin Manilal Sanghvi
Age 56 yrs, Occ:Business
R/at 53/B, New Timber Market,
Bhawani Peth, Pune-411042.

2.Sanjay Shivpujan Upadhyay
Age: 39 yrs, Occu: Service,
R/at 497, New Timber Market,

Bhawani, Pune-411042. ... Applicants.

Vs.

1.The State of Maharashtra

2.Mr Bharat Mithalal Nagori

Age 60 yrs, Occu:Business;

R/at Flat no.B-804, Ganga Ishanya,

Sr.No.19A/3A, Near Shankar

Maharaj Math, Dhankawadi,

Pune-411043

.... Respondents.

..

Mr Pankaj Das for Petitioner in W.P.1442/2018 and for Respondent No.2 in Cri.Application No.171/2022.

Mr Adwait Bhonde for Respondent No.2 in WP No.1442/2018 and for Appellant in Cri.Application No.171/2022.

Mrs S. D. Shinde, APP for State in both matters.

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CORAM: Nitin W. Sambre
& R.N.Laddha, JJ.

DATE : 17 July, 2023.

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

Heard learned counsel for the parties.

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

3. The Criminal Writ Petition No.1442 of 2018 is filed for quashing the FIR bearing C.R. No.283 of 2017, dated 6 July 2017, registered at Khadak Police Station, Pune, for the offences punishable under Sections 406, 420, 467, 468, 471 of the Indian Penal Code and the proceedings arising from it.

4. The Criminal Application No.171 of 2022 is filed for quashing the FIR bearing C.R.No. 40 of 2015, dated 25.3.2015, registered at Lashkar Police Station, Pune, for the offences punishable under Sections 447, 448, 427, 506 r/w 34 of the Indian Penal Code and the consequential proceedings.

5. The Applicants and Respondents in the aforesaid matters stated that due to misunderstanding, the impugned FIRs were filed against each other. They submit that the matter is amicably settled between them.

6. The Applicants and Respondents in these applications are present before the Court and are identified by their respective Counsel. In Criminal Writ Petition No.1442 of 2018, Respondent No.2-Complainant Mahendra Manilal Sanghvi, and in Criminal Application No.171 of 2022, Respondent No2-Complainant Bharat Mithalal Nagori, have tendered their consent affidavits. When questioned, the

Petitioners and the Respondents in these matters state that they have settled their dispute and consent to the quashing of the FIRs filed against each other. Learned APP has verified their original Aadhar cards.

7. It is submitted that no purpose would be served by keeping the prosecution alive, given the settlement between the parties. The learned Counsel for the parties submitted that these cases are 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. v/s. State of Punjab and Anr.*²

8. Considering the nature of the allegations, the nature of the dispute between the parties and the amicable settlement between them, and the no objection of the parties in both these matters, we do not see any impediment in allowing these cases.

9. In view of this, the FIR bearing C.R. No.283 of 2017, dated 6 July 2017, registered at Khadak Police Station, Pune, and the proceedings arising from it are quashed and set aside, subject to payment of costs of Rs.10000/- to Kirtikar Law

1 (2012)10 SCC 303.

2 (2014) 6 SCC 466.

Library, Mumbai, by the Petitioner within three weeks from the date of uploading of this order.

10. Similarly, the FIR bearing C.R.No.40 of 2015, dated 25.3.2015, registered at Lashkar Police Station, Pune, and the consequential proceedings arising therefrom are quashed and set aside, subject to payment of costs of Rs.10000/- to Kirtikar Law Library, Mumbai, by each of the Applicants within three weeks from the date of uploading of this order.

11. Accordingly, the rule is made absolute in the aforesaid terms, subject to payment of costs as directed above.

[R.N.Laddha, J.]

[Nitin W. Sambre, J.]