

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

CRIMINAL WRIT PETITION NO. 2274 OF 2023

1. Mr Pradeep Mahadev Naik
Age:- 56 years, Occupation:- Retired,
Presently Residing at:- Shiv Shakti CHS
309, C-Wing, Aga Bazar Road,
Prabhadevi – Dadar, Mumbai – 400 028.
2. Mrs Swati Vinayak Shriodkar
Age:- 53 years, Occupation:- Housewife
3. Mr Siddhant Shirodkar
Age:- 29 years, Occupation:- Services
4. Mr Vishal Shirodkar
Age:- 26 years, Occupation:- Student
5. Mr Mayuresh Sadanand Mangaokar
Age:- 23 years, Occupation:- Student

All are Presently Residing at:- Shiv
Shakti CHS, 309, C-Wing, Azar
Bazar Road, Prabhadevi-Dadar,
Mumbai – 400 028.

... Petitioners

Versus

1. The State of Maharashtra,
At the instance of
Worli Police Station

2. Jagannath Rajaram Rashivate,
Age: 60 Occ:- Services
R/a CGS Colony Sector 7,
B. No. 23, Room No.643,
Shaikh Mistry Dargah Road,
Antop Hill, Mumbai – 400037. ... Respondents

Mr Hasnnain Kaazi Sayyed for the Petitioners.

Ms Shraddha Vavha for the Respondent No.2.

Mrs A. S. Pai, Govt. Pleader a/w Mrs S. D. Shinde, APP for
the Respondent No.1-State.

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

DATE : 12 JULY 2023

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

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of 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 read with Section 482 of the Code of Criminal Procedure, 1973, to

quash FIR No. 54 of 2022 dated 17 February 2022, registered at Worli Police Station for the offence punishable under Sections 419, 420, 406, 464, 466, 468, 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. The learned counsel for the Petitioners and Respondent No.2 jointly stated that the dispute was purely civil and had been resolved amicably. They submitted that continuing the prosecution would serve no purpose, given their settlement. They 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. Learned APP for Respondent No.1 submits that appropriate orders may be passed.

6. Respondent No.2 has filed his consent affidavit dated 8 June 2023. Respondent No.2 is present in the Court and stated that he has no objection to quashing the impugned FIR against the Petitioners due to a settlement between them.

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

Upon questioning, he confirmed the contents of his affidavit and was identified by his counsel. The learned APP has verified his original Aadhar Card, of which a self-attested copy is placed on record.

7. We have reviewed this case in light of the law laid down by the Hon'ble Supreme Court in the cases of *Gian Singh and Narinder Singh (supra)*. The available material indicates that this dispute is primarily civil, with a focus on civil rights. Permitting criminal prosecution to continue would be an abuse of the process of the Court and serve no purpose given the parties' settlement. The dispute is a private dispute between the parties involved in the litigation, and the public interest, in general, is not affected. Quashing the impugned FIR is an appropriate action to ensure justice is served. The affidavit of consent submitted by Respondent No.2 backs the request to quash the impugned FIR. Given this, and based on the aforesaid facts, the impugned FIR No. 54 of 2022, registered with Worli Police Station against the Petitioners, should be quashed and set aside.

8. Upon expressing our opinion, the learned counsel representing Petitioners and Respondent No.2, on instructions, submitted that each of the Petitioners will pay

costs of Rs.25,000/- to the Kirtikar Law Library, Mumbai. The statement is accepted as an undertaking given to this Court. So we direct each of the Petitioners to pay costs of Rs.25,000/- within three weeks of this order being uploaded. Accordingly, the impugned FIR bearing C.R. No. 54 of 2022 dated 17 February 2022, registered at Worli Police Station, and the proceedings arising therefrom are quashed and set aside.

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

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

BIPIN
DHARMENDER
PRITHIANI

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