

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

CRIMINAL APPLICATION NO. 832 OF 2021

Pranali Prashant Jadhav

Age 27

r/at: Room No.9, Bhagyashree Co-op.

Hsg. Society Ltd. Majiwada

Thane(West).

2. Deepak @ Mohit Dhanraj Rai

Age 27, Occ. Business,

3. Madhur Dhanraj Rai

Age above 21 Occ. Education

r/at: 122/478, Shashri Nagar,

Kanpur, Uttarpradesh.

... Applicants

Versus

1. The State of Maharashtra

(At the instance of Parksite Police
Station, Vikhroli)

2. Bharat Krishnalal Shivanee

Age 31 years, Occ. Business

r/at 122/496, Shindhi Colony,

Uttar Pradesh

... Respondents

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Mr Gautam Kanchanpurkar for Applicant.

Ms Bimala P Chounal i/b N.K.Sharma for Respondent No.2.

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.

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 applicants seek quashing of FIR No.542 of 2018, dated 28 November 2018, registered against him at Parksite Police Station, Mumbai at the instance of Respondent No.2 for the offences punishable under Sections 420 and 408 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. The learned counsel for the Applicants and Respondent

No.2 jointly stated that the parties' are closely related to each other, and they have amicably settled their dispute out of Court. They submit that dispute was purely civil and that continuing the prosecution would serve no purpose, given the settlement between the parties. The 'Consent Terms' dated 17 November 2022 executed between the parties and duly affirmed before the Assistant Registrar, High Court Appellate Side, have been filed on record. The record shows that on 17 November 2022 Respondent No.2 appeared in Court to give his consent and was not required to attend further.

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

6. It is clear that the dispute between the parties had been resolved amicably. As the complainant is no longer willing to support the allegations, allowing criminal prosecution to continue would be an abuse of the process of the Court and serve no purpose, given the settlement between the parties. Furthermore, the dispute has no societal impact. To ensure justice is served, it would be appropriate to quash the FIR. The Consent Terms filed by the parties support the prayer of quashing the FIR. Therefore, based on these facts, FIR bearing C.R. No. 542 of 2018 registered with Parksite Police

Station against the Applicant needs to be quashed and set aside.

7. Accordingly, we allow this Criminal Application in terms of prayer clauses (a) and (b) and quash and set aside impugned FIR No. 542 of 2018 and the proceedings arising therefrom, subject to the condition that the Applicants and Respondent No.2 deposit a costs of Rs.10,000/- 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, P.S.