



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

Writ Petition No. 2720 of 2023

Mr Vishal Devayya Kasturi & anr. ... Petitioners

v/s.

The State of Maharashtra & anr. ... Respondents

Mr Saurabh More for the petitioners.

Mrs. S.D.Shinde, APP for the State.
Mr. Milind Nar for respondent No.2.

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

DATE : 11th August 2023

P.C. :

The prayer is for quashing of FIR in Crime No.51/2012 registered on 7th February 2012 for the offences punishable under Sections 465,467,468,471 and 420 r/w. 34 of Indian Penal Code. The genesis of the offence is that the petitioner was in the share broking business wherein respondent-Complainant has made investment.

2. The petitioner thereafter agreed to sell his room to respondent No.2 but he failed to act. After that petitioner issued cheques towards

satisfaction of claim which were dishonoured resulting into registration of aforesaid FIR.

3. The petitioner and respondent-Complainant claim to have reached a settlement and such settlement is brought before this Court through a Consent affidavit of respondent No.2. Para-7 reads thus:

“7. I say that it is mutually agreed between myself and the Petitioners that Petitioners would pay an amount of Rs.8,00,000/- (Rupees Eight Lakh Only) to me as full and final settlement towards the said matter and I have accepted the said proposal. In pursuance to the said settlement, the Petitioners have already paid an amount of Rs.6,00,000/- (Rupees Six Lakh Only) vide Demand draft No.501311 dated 5/06/2023 drawn on ICIC Bank, Prabhadevi Branch favoring SURESH CHINTA i.e. myself and I acknowledge the same. That it is further mutually agreed between the Petitioners and myself that Petitioners shall pay the balance amount of Rs.2,00,000/- (Rupees Two Lakh Only) to me on or before 31/12/2023. I have accepted the said term and I have no objection to quash the said F.I.R. before receiving the said installment of Rs.2,00,000/- (Rupees Two Lakh Only) on or before 31/12/2023.”

4. The respondent No.2-Complainant is present in the Court and identified by his lawyer so also by learned APP upon verification of his Aadhar card. He admitted the contents of the aforesaid affidavit and states that he has no objection to quash the proceedings against the petitioner provided the petitioner undertake to comply with the condition as referred above in para-7 of the consent affidavit.

5. Learned counsel for the petitioners on instructions from the petitioners who are present in the Court submits that petitioners shall abide by the conditions as reproduced herein above.

6. In this background, having regard to the fact that respondent-Complainant has stated before this Court that he has voluntarily filed affidavit extending consent subject to compliance of the condition in para-7 of the consent affidavit, we deem it appropriate to allow the present petition in view of the judgment of Apex Court in the matter of *Gian Singh v/s. State of Punjab & anr.*¹ and *Narinder Singh & Others v/s. State of Punjab & anr.*².

7. As such present petition stands allowed in term of prayer clause (b) subject to payment of cost of Rs.15000/- each by the petitioners to

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

be deposited with the Association of Parents of Mentally Retarded Children (State Bank of India, Account No.00000010884930648 and IFSC Code: SBIN0009056), within a period of four weeks from today.

R.N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata Panjwani, P.S.