

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2828 OF 2022

Hemlata Virendra Dixit

...Petitioner

Versus

Sourabh Shriprakash Parashar & Anr.

...Respondents

Mr. Rishikesh Mehta i/b Mr. Anand Kumar R. Nadar for the Petitioner.

Mr. Prashant Jadhav for Respondent No. 1.

Ms. M. H. Mhatre- APP for the Respondent-State.

Coram : Nitin W. Sambre &
Sharmila U. Deshmukh, JJ.

Date : 13 June , 2023.

P. C. :

1. By this petition the petitioner seeks quashing of the FIR No. 0172 of 2019 registered with the Vashi Police Station for the alleged offence punishable under section 380 of the Indian Penal Code, 1860.

2. The quashing is sought on the premise that the petitioner and respondent no. 1 have arrived at an amicable settlement.

3. Heard Mr. Rishikesh Mehta, learned counsel appearing for the Petitioner, Ms. M. H. Mhatre, learned APP, appearing for the Respondent-State and Mr. Prashant Jadhav, learned counsel appearing for Respondent No. 1. Learned counsel appearing for the parties do not dispute the

position that the parties have arrived at an amicable settlement pursuant to which a memorandum of understanding dated 11th August, 2021 has been executed. The memorandum of understanding is annexed at page No. 15 of the Writ Petition.

4. Perusal of the FIR No. 0172 of 2019 indicates that the allegation of the respondent no. 1 is that there was a theft of the Cheque book of respondent no. 1 from his residence by the petitioner and as such the FIR came to be lodged.

5. The memorandum of understanding dated 11th August, 2021 records that both the parties have agreed to withdraw their respective cases and complaints filed against each other in different forums and Courts. Clause No. 3 of the memorandum of understanding records the agreement that on the date of grant of present writ petition for quashing, the Petitioner would go to the Vigilance Office, Directorate of Vigilance for closure of the complaint registered against respondent no. 1 and also file a written letter to the MRA Marg Police Station intimating the police officials about the settlement which has been arrived between them.

6. From perusal of the memorandum of understanding, it appears that there were several complaints and Court cases which were instituted by the parties against each other and now the parties have amicably settled the dispute and have arrived at a compromise. The only issue which remains to be addressed is the closure of the complaint made by the petitioner to the Directorate of Vigilance.

7. The respondent no. 1 has filed the consent affidavit dated 15th July, 2022 extending his consent to quashing of the FIR in question. The petitioner has tendered a copy of the affidavit stating that the dispute has been settled between the parties and giving an undertaking that the complaint filed by him before the office of Principal Commissioner of Customs, Vigilance / CIU, Rummaging and Intelligence Division 11th Floor, New Custom House, Ballard Estate, Mumbai-400001 will be withdrawn.

8. Considering that the parties have decided to give a quietus to the dispute between them and have agreed to withdraw all pending complaints and litigation, we do not find any impediment in allowing the present Writ Petition. The statement of the petitioner that the complaint filed with the office of Principal Commissioner of Customs, Vigilance / CIU, Rummaging and Intelligence Division will be withdrawn within a period of 15 days from the date of passing of this order is accepted as on undertaking to this Court.

9. We find that no useful purpose will be achieved by continuing the criminal proceedings. Considering the compromise which has been entered into between the parties, we quash and set aside the FIR bearing FIR No. 0172 of 2019 registered with the Vashi Police Station under section 380 of the Indian Penal Code.

10. Writ Petition stands allowed.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]