

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

WRIT PETITION NO.2623 OF 2023

Tata Capital Financial Services & Ors. .. Petitioners.
Vs.
State of Maharashtra & Ors. ... Respondents.

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Mr Sanjog Parab, Senior Advocate with Advocate Waseem Pangarkar, Adv. Chirag Naik, Mohan Rao, Adv.Vaijayanti Sharma i/b MZM Legal LLP for Petitioners.

Mr JP Yagnik, APP for State.

Mr Mayank Bagla with Jainish Jain for Respondent No.2.

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

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P.C.:

The Petitioners are seeking quashing of FIR in Crime No. 819 of 2019, registered with Bhadrakali Police Station, under Sections 403, 406, 409, 418, 420, 427, 467, 120-B r/w 34 of IPC, registered pursuant to the directions given in the order dated 3.10.2019 by the learned Magistrate u/s 156(3) Cr.P.C.

2. The genesis of the offence is based on a financial transaction, *inter-se* between the parties. Respondent/Complainant appears to be a vehicle dealer operating under the title 'Kanchan Motors', with whom Petitioner No.1 had certain business deals. It appears that out of the aforesaid differences, the Respondent has also initiated defamation proceedings against the Petitioners. After due deliberations the parties have arrived at a settlement which is reduced into the consent affidavit which is placed on record.

3. In this background, the learned Counsel for the Petitioners would urge that pursuant to the Consent Affidavit, the Petition needs to be allowed, in terms of prayer clause (a).

4. Respondent No.2/complainant under the letter of authority dated 24.04.2023, which is brought on record, has placed the consent affidavit thereby extending consent for quashing. He has admitted that the parties herein have arrived at settlement in terms of the agreement dated 28.4.2023. The complainant who is

present in the Court is identified through his Lawyers, so also by the learned APP after having verified the Aadhar Card of the complainant. In view of the fact that the complainant has already extended consent as is verified from the consent affidavit, no purpose would be served by keeping the prosecution alive, particularly having regard to the law laid down by the Apex Court in the matter of *Gian Singh vs State Of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*²

5. In the above background, we allow the petition in terms of prayer clause (a), subject to payment of costs of Rs.25,000/- to be paid by each of the petitioner and respondent no.2 to the **Association of Parents of mentally Retarded Child, State Bank of India, in Account No.00000010884930648 (IFSC Code-SBIN0009056)** and shall produce the copy of such receipt in the Registry so as to report compliance.

1 (2012)10 SCC 303.

2 (2014) 6 SCC 466.

6. In case, if the parties fail to pay the costs or production of receipt as directed, the order quashing the criminal proceedings, shall stand recalled and the matter will be placed before this Court for passing appropriate orders.

7. In case, if the compliance is reported, no orders will be warranted in the matter.

[R.N.Laddha, J.]

[Nitin W.Sambre, J.]