



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2971 OF 2023

Nazir Ismail Haji Mansoori

...Petitioner.

V/s.

The State of Maharashtra & Another.

...Respondents.

Mr. Vishal Deshmukh i/by Mr.Avdhut S. Hingne for the Petitioner.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Khan Enamul Haq, for Respondent No.2.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 6th October, 2023.

ORDER : (Per Sharmila U.Deshmukh, J.)

1. Heard Mr.Deshmukh, learned Advocate appearing for the Petitioner, Mr. Patil, learned APP for the Respondent No.1-State and Mr. Khan, learned Advocate appearing for Respondent No.2.

2. By this Petition filed under Article 226 of the Constitution of India, the Petitioner seeks quashing of C.R.No.0392 of 2022 registered with Bandra Police Station, Mumbai for the alleged offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

3. Learned Advocate for the Petitioner submits that, during the hearing of the Anticipatory Bail Application, the Applicant and the first informant resolved their dispute and arrived at consent terms which has been recorded in the Order dated 4th May, 2023 passed in Anticipatory

Bail Application No.317 of 2023. He points out clause (v) of the consent terms, which records that the first informant has no objection for quashing of the FIR.

4. Learned Advocate appearing for the Respondent No.2- Original Complainant admits the execution of the consent terms as recorded in the Order dated 4th May, 2023.

5. As the parties have amicably settled their dispute and have entered into consent terms, which have duly complied with by the Petitioner, we see no impediment in quashing the FIR registered against the Petitioner.

6. Respondent No.2 has filed consent Affidavit dated 17th August, 2023 duly notarized before the Notary Public. Paragraph 6 of the consent Affidavit gives consent for quashing of the FIR. Considering that the matter has been amicably settled and the grievance no longer survives, we are inclined to allow the Petition in terms of prayer clause (i).

7. In view thereof, we are inclined to quash FIR No.0392 of 2022 registered with Bandra Police Station, Mumbai for the alleged offences punishable under Sections 406 and 420 of IPC, against the Petitioner.

8. As we expressed our opinion for quashing of the said FIR

No.0392 of 2022 registered with Bandra Police Station, Mumbai for the alleged offences punishable under Sections 406 and 420 of IPC, learned Advocate for the Petitioner and Respondent No.2, on instructions submitted that, Petitioner and Respondent No.2 will pay a cost of Rs.1,00,000/- each, totaling to Rs.2,00,000/- to Tata Memorial Centre (Tata Memorial Hospital), Dr. Ernest Borges Marg, Parel, Mumbai-400012, within a period of two weeks from today. The said statement is accepted as an undertaking given to this Court.

9. We direct the Petitioner and Respondent No.2 to pay a cost of Rs.1,00,000/- each, totaling to Rs.2,00,000/- to Tata Memorial Centre (Tata Memorial Hospital) within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

Details of the bank account for payment of cost are as under:

Bank Name	:	Central Bank of India.
Branch Name	:	TMH, Parel, Mumbai-400 012.
Account Name	:	Tata Memorial Centre (Tata Memorial Hospital)
Account Number	:	1002449683
IFSC Code	:	CBIN0284241

Petitioner and Respondent No.2 to deposit the said cost of

Rs.1,00,000/- each, within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

10. In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (i), which reads thus:

“i) This Hon’ble Court may be pleased to quash and set aside the FIR/complaint lodged by the Respondent No.2/Ori. Complainant, with the Bandra Police Station vide C.R.No.392 of 2023 registered under Sections 406, 420 of IPC May kindly be quashed on such terms and conditions as this Hon’ble Court may deem fit and proper.”

11. It is made clear that, if the cost is not paid within the stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

12. List the petition on board on 31st October, 2023, under the caption 'for reporting compliance' of present Order.

13. All the concerned to act on the authenticated copy of this Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)