

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

CRIMINAL WRIT PETITION NO. 5131 OF 2022

Viral Paresh Raval

An Adult of Mumbai, Indian Inhabitant

Aged: 35 years, Occ: Service,

26/A, 40 Siddhisai Society, Gorai 1,

Mumbai – 400 091.

... Petitioner

Versus

1. The State of Maharashtra

Through Shivaji Park Police Station,

Mumbai.

2. Deepa Jagdish Narang,

Aged: 52 years,

An adult of Mumbai, Indian Inhabitant

Room no. 607, H.G. Road, B Wing,

J. K. Tower, Gaondevi, Grant Road,

Mumbai – 400 007.

... Respondents

Dr Samarth Karmarkar i/by Priti Rita for the Petitioner.

Mr Vaibhav Parab for the Respondent No.2.

Ms J. P. Yagnik, APP for the Respondent No.1-State.

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

DATE : 6 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. The Petitioner has filed this Criminal Writ Petition under Articles 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, to quash FIR bearing No. 0196 of 2022 dated 5 April 2022 registered at Shivaji Park Police Station, Mumbai, for the offence punishable under Section 420 of the Indian Penal Code. The Petitioner seeks quashing on the ground that he has amicably settled the dispute with respondent no.2.

4. The learned counsel for the Petitioner and Respondents No.2, jointly stated that the dispute was purely civil and had been resolved amicably. They submitted that continuing the prosecution would serve no purpose given their settlement. They submitted that this case falls under the purview of the law laid down by the Hon'ble Supreme Court in *Gian Singh v/s. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. v/s. State of Punjab and Anr.*²

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

5. Learned APP for the Respondent No.1 submits that appropriate orders may be passed.

6. The learned counsel for Respondent No.2 tendered a consent affidavit dated 2 May 2023. Respondent No.2 appeared in Court and stated that she has no objection to the quashing of the impugned FIR against the Petitioner due to a settlement between them. Upon questioning, she confirmed the contents of her affidavit and was identified by her counsel. The learned APP has verified her original Aadhar Card, of which a duly signed copy is placed on record.

7. We have examined this case in light of the law laid down by the Hon'ble Supreme Court in the cases of *Gian Singh and Narinder Singh (supra)*. Based on the material on record, it is clear that this dispute has a predominantly civil nature. Allowing criminal prosecution to continue would be an abuse of the process of the Court and serve no purpose given the parties settlement. To ensure justice is served, it would be appropriate to quash the impugned FIR. The consent affidavits filed on behalf of Respondent No. 2 supports the prayer of quashing of the FIR. Having said so, and on the facts noted above, the impugned FIR bearing C.R. No. 0196

of 2022, registered with Shivaji Park Police Station, Mumbai, against the Petitioner needs to be quashed and set aside. Accordingly, the impugned FIR bearing C.R. No. 0196 of 2022 dated 5 April 2022 for the offence punishable under Section 420 of the Indian Penal Code, is quashed and set aside, subject to condition that Petitioner pay a cost of Rs.25,000/- to the High Court Legal Services Authority, within three weeks of this order being uploaded.

8. Rule is made absolute in these terms and this Petition is disposed of subject to payment of cost as directed above.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

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