

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

***CRIMINAL WRIT PETITION NO. 4387 OF 2022
WITH
INTERIM APPLICATION NO. 2606 OF 2023
IN
CRIMINAL WRIT PETITION NO. 4387 OF 2022***

Jay Sethia,
Aged : 44 years,
Occupation : Business
Resident of 2038 Suffolk Drive,
Houston Afton Oaks/
River Oaks, Houston,
Texas – TX 77027, U.S.A.

...Petitioner

Versus

1. State of Maharashtra, Through
The Office of Navghar Police Station
2. The Union of India
Through the Ministry of Home Affairs,
North Block, New Delhi – 110 001
3. The CBI, INTERPOL Wing
Block No. 4, CGO Complex,
Lodhi Road, New Delhi – 110 003
4. Sippy Patawari Daughter of
Nirmal Mohanlal Patawari
(Formerly known as Sippy Jay Sethia)
Aged: 42 years, Occupation : Advocate,
Residing at Flat No. 10,

Riddhi Siddhi C.H.S. Ltd.,
Mulund (East), Mumbai- 400 081 ...Respondents

***WITH
INTERIM APPLICATION NO. 4203 OF 2023
IN
CRIMINAL WRIT PETITION NO. 4387 OF 2022***

Sippy Patawari (Sethia) ...Applicant
Versus
State of Maharashtra & Ors. ...Respondents

Mr. Niranjan Mundargi a/w Mr. Chandansingh Shekhawat,
Mr. Yashovardhan Deshmukh and Ms. Keral Mehta i/b Parinam
Law Associates for the petitioner

Mrs. P. P. Shinde, A.P.P for the Respondent No.1-State

Mr. Kuldeep Patil a/w Mr. Nikhil Hire for the Respondent No. 3

Mr. M. A. Adenwala, Ms. Poonam Utekar and Ms. Revati for the
Respondent No. 4

Ms. Sippy Patawari, Respondent No. 4 is present in-person

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.
THURSDAY, 9th NOVEMBER 2023**

ORAL ORDER (Per Revati Mohite Dere, J.) :

1 Heard learned counsel for the parties.

2 Pursuant to the administrative order passed by the
Hon'ble the Chief Justice, the aforesaid petition has been placed
before us.

3 Rule. Rule is made returnable forthwith, with the
consent of the parties and is taken up for final disposal. Learned
A.P.P waives notice on behalf of the Respondent No.1-State.
Learned counsel waive notice on behalf of the respondent Nos. 3
and 4.

4 By this petition, the petitioner seeks the following
reliefs :

“(a) That this Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate Writ or direction, or Order calling upon the records and proceedings of PW 544/P/2001 arising out of FIR No. 39 of 2001 registered with the Navghar Police Station - u/s 498A, 406, 354 r/w 34 Indian Penal Code, 1890 r/w 3 of Dowry Prohibition Act, 1961 and currently pending before 27th Metropolitan Magistrate Court Mulund Mumbai, and then be pleased to quash and set aside the FIR No. 39 of 2001 and Criminal Case bearing No. PW/544/P/2001 arising thereof;

a.1. this Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate Writ or direction, or Order quashing and setting aside the Look Out Notice issued under order dated 02.06.2003 and the Red Corner Notice issued by the Interpol Bearing No- A-2158/10-2006;

a.2. pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the operation and effect of the Look Out Notice issued under order dated 02.06.2003 and the Red Corner Notice issued by the Interpol Bearing No- A-2158/10-2006 and direct the Respondent Nos. 1 to 3 not to arrest the Petitioner in connection to any warrants issued against the Petitioner in connection with FIR 39 of 2011 and Criminal Case No. PW/544/P/2001 before the Learned ACMM, 27 Court, Mulund;

a.3. ad-interim reliefs in terms of prayer clause (a.2) above;

(b) Pending the hearing and final disposal of this petition, all proceedings arising out FIR No. 39 of 2001 of registered with the Navghar Police Station - u/s 498A, 406, 354 r/w 34 Indian Penal Code r/w 3 of Dowry Prohibition Act, and currently pending before 27th Metropolitan Magistrate Court Mulund Mumbai, and then be pleased to quash and set aside the FIR No. 39 of 2001 and Criminal Case bearing No. PW/544/P/2001 arising thereof be stayed;

(c) For ad-interim reliefs in terms of prayer clauses (c) and (d) above;

(d) For such further and other reliefs as the nature and facts and circumstances of the case may require.”

5 Learned counsel for the petitioner and the learned counsel for the respondent No.4 state that the parties have amicably settled their dispute. Learned counsel for the parties have tendered Consent Minutes of the order in the aforesaid petition dated 9th November 2023. The said Consent Minutes, duly signed by the advocates of the petitioner and the advocate for the respondent No. 4 as well as by the respondent No. 4, are taken on record and marked `X' for identification. The same reads thus :

1. *“By consent, the present matter is disposed of in terms of the settlement arrived between the Petitioner and Respondent No. 4.*
2. *Pursuant to the order dated 02nd March 2023 passed by this Court the Petitioner without prejudice to his rights and contentions had deposited a sum of Rs. 5,00,00,000/- (Five Crore only) with the Registry of this Court to show his bona-fides towards mediation between the parties.*
3. *Both the Petitioner and Respondent No. 4 have resolved their inter-se disputes and agreed upon the following terms:*

- a. *The Petitioner agrees to pay to the Respondent No. 4 a sum of Rs. 5,00,00,000/- (Five Crore only) deposited with the Registry of this Court along with the accrued interest thereon, as and by way of full and final settlement.*
- b. *The Petitioner and Respondent No. 4 undertakes and agrees to unconditionally withdraw wherever applicable not to prosecute all the pending litigation filed inter alia by them and their respective family members.*
- c. *The Respondent No.4 undertakes to withdraw the R.D. No. 236 of 2023 in M.P. A- 426 of 2005 (Sippy Sethia @ Sippy N. K. Patawari vs. Jay Sethia) pending before Honourable Family Court Principal Judge.*
- d. *In view of the payment of maintenance, compensation and litigation expenses mentioned in the paragraph no. 2 herein above the Respondent No.4 has no objection for quashing and appropriate disposal of the under mentioned proceedings:-*

SR. NOS.	DESCRIPTION OF MATTER
27th ACMM MULUND, MUMBAI	
1.	<i>Criminal Writ Petition (Stamp) No. 21587 of 2023 In lieu of C.C. No: 245/PW/2018 (State of Maharashtra vs. Jay Sethia) pending before ACMM 27th Court, Mulund.</i>

<i>FIR REGISTERED WITH NAVGHAR POLICE STATION MULUND, MUMBAI, QUASHING OF FIR AND PENDING MATTERS IN HONOURABLE HIGH COURT, BOMBAY</i>	
2.	<i>Criminal Writ Petition (stamp) No. 21553 of 2023 In lieu of FIR No: 3 of 2014 registered with Navghar Police Station.</i>
3.	<i>Criminal Writ Petition No: 2272 of 2014 (Kanhaiyalal Sethia and anr. Vs. State of Maharashtra and anr.)</i>
4.	<i>Criminal Writ Petition No: 2271 of 2014 (Vineet Kanhaiyalal Sethia Vs. State of Maharashtra and anr.)</i>
5.	<i>Criminal Writ Petition No: 2066 of 2014 (Sunil Jain Vs. State of Maharashtra and anr.)</i>
6.	<i>Criminal Application No. 433 of 2016 (Vijaya Kanaiyalal Sethia Vs. State of Maharashtra & Others).</i>
7.	<i>Criminal Writ Petition No: 4504 of 2022 Vijaya Sethia vs State of Maharashtra and anr)</i>
<i>PENDING MATTERS BEFORE THE HONOURABLE HIGH COURT, BOMBAY</i>	
8.	<i>Criminal Revision Application No: 358 of 2016 (Sippy Patawari v/s The State of Maharashtra and ors) – Bombay High Court.</i>
9.	<i>Criminal Writ Petition No: 1841 of 2014 (Sippy Nirmal Patawari vs. State of Maharashtra).</i>

- e. *The Petitioner and Respondent No. 4 states that apart from the matters listed hereinabove there are no other pending litigation initiated by them or their family members against each other. The Petitioner and Respondent No. 4 states that if any pending litigation is brought to the notice of either of the party the same shall be immediately withdrawn by the respective parties who has filed the same.*
- f. *The Petitioner and Respondent No. 4 further states that in light of the present settlement there shall be no future claims against each other of whatsoever nature.*
- g. *Both the parties to bear their respective cost.*
- h. (i) *The Respondent No.4 has given undertaking in paragraph no. 3(c) to withdraw Honourable Family Court Recovery Proceedings i.e., R.D. No. 236 of 2023 in M.P. A-426 of 2005 (Sippy Sethia @Sippy N. K. Patawari vs. Jay Sethia) pending before Honourable Family Court Principal Judge on receipt of entire consideration. Therefore the Petitioner has no objection for payment of entire amount deposited with this Honourable Court i.e., Rs.5,00,00,000/- (Rupees Five Crores only) to the Respondent No. 4 as the same is towards her maintenance, compensation and litigations expenses.*
- h.(ii)*The Honourable court may direct to expedite disposal of Applications moved by the Petitioner in respect of matters specified in this Petition.*
- h.(iii) *All costs, expenses and contribution, donations that may be ordered by the respective courts be paid by Petitioner. The Respondent No. 4 shall bear her own Advocate fees.*

h.(iv) The Registrar Criminal Appellate Side, Bombay High Court be directed that upon the receipt of the authenticate copy of the order in aforesaid Criminal Writ Petition No. 4387 of 2022 to issue Demand Draft / Pay Order/ NEFT / RTGS for an amount of Rs.5,00,00,000/- (Rupees Five Crores only) in name of

*Sippy NirmalKumar Patawari
Bearing Bank Account No. 169910100043817,
Union Bank Of India
Mulund East Branch, Mumbai
IFSC Code No. UBIN0816990
Account Type: Savings Accounts.*

h.(v) The Petitioner confirms that he has no objection to the interim custody of Stridhan handed over to the Respondent No. 4 by the ACMM 27th Court Mulund be made absolute.

4. The Petitioner and Respondent No. 4 hereby agree that by virtue of the present settlement all disputes pending between them stands resolved. The Petitioner and Respondent No. 4 agree to refrain from interfering in each other's lives and publicly speaking against each other.

5. The Petition is made absolute in terms of prayer clause (a). FIR No. 39 of 2001 now C.C. NO. 544/P/2001 pending before Learned ACMM 27th Court, Mulund is quashed and set aside. Consequently, the Look Out Circular and Red Corner Notice issued by Interpol bearing No: A-2158/10-2006 is quashed and set aside.

6. *Respondent Nos. 1 – 3 are directed to forthwith take steps for withdrawal of Look out circular and Red Corner Notice issued by Interpol bearing No: A-2158/10-2006 against the Petitioner.*
7. *The undertaking given by Petitioner and Respondent No. 4 is accepted.*
8. *All the pending applications are disposed of. ”*

6 From the aforesaid Consent Minutes, it appears that the parties have amicably settled their dispute and have decided to put a quietus to all the disputes by and between the parties as mentioned aforesaid in the Consent Minutes.

7 The petitioner has already deposited Rupees Five Crores in the Registry and the same is not disputed by the learned counsel for the respondent No. 4. Accordingly, the respondent No. 4 has agreed to withdraw all the cases registered at her instance as against the petitioner and other persons, the details of which are set-out in the Consent Minutes.

8 In view of the aforesaid, the petition is allowed in terms of prayer clauses (a) and (a.i).

9 Since we have quashed all the FIRs/cases initiated by and between the parties, by separate orders passed in Writ Petition Nos.4504/2022, 2272/2014, 2271/2014, 2066/2014 and Writ Petition (Stamp) Nos. 21553/2023 and 21587/2023, the respondent No. 4 is permitted to withdraw the amount of Rupees Five Crores, which is deposited by the petitioner in the Registry along with accrued interest thereon, on furnishing proof of her identity.

10 It is open for the Registry to transfer the amount in the respondent No. 4's account directly by NEFT/RTGS, as per Rules.

11 Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

12 In view of the above, nothing survives for consideration in the interim applications. The same stand disposed of accordingly.

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

GAURI GODSE, J.

REVATI MOHITE DERE, J.