

Anand

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

WRIT PETITION NO. 4279 OF 2022

Syed Zeeshan Quadri .Petitioner
Aged : 39 yrs, Occu : Actor/Writer,
Adult of Mumbai, Indian Inhabitant,
residing at Tower-2, Flat No. 204,
Rustomjee Ozone, Goregaon(W),
Mumbai.

Vs.

1. The State of Maharashtra .Respondents
(at the instance of Malad Police Station),
through the Public Prosecutor, High Court,
Bombay.
2. Smt. Rajbala Pappu Dhaka Chowdhary
Aged : 44 yrs, Occu : Film Producer
Having her registered address at
401, B Wing, Bhagat Grandeur Society,
Opposite Infinity Mall, Malad (W),
Mumbai - 400 067.

Mr. Prerak A. Sharma a/w Mr. N. U. Dedhia, Mr. Vaibhav Kulkarni, Mr. Farhan Shaikh & Mr. Rushikesh Bhagat, Advocate, for the Petitioner

Ms S. D. Shinde, APP, for Respondent No. 1 - State

Mr. Khwaja Shaikh a/w Mr. Mehboob Khan, Advocate, for Respondent No. 2/Original Complainant

**CORAM : SUNIL B. SHUKRE AND
M. M. SATHAYE, JJ.**

DATE : 28 MARCH 2023

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

. Heard.

2. Rule.

3. Rule is made returnable forthwith. With the consent of the parties, the Petition is taken up for final disposal at the stage of admission itself.

4. Learned counsel for Respondent No. 2 has produced before this Court Consent Affidavit filed on behalf of Respondent No. 2 which is taken on record and marked as 'A' for the purpose of identification. He submits that the underlying dispute which has given rise to the registration of the offences punishable under Sections 406 & 420 of the Indian Penal Code in C. R. No. 1122 of 2022 with the Malad Police Station, Mumbai is private. The dispute between them now has been settled between the Petitioner and Respondent No. 2/Complainant. Therefore, now, Respondent No. 2 has no objection, if this Petition is allowed and the FIR is quashed & set aside.

5. The Complainant i. e. Respondent No. 2 and the Petitioner i. e. accused, both are personally present before this Court and they are identified by their respective counsels. Both of them state that they have reached to an amicable settlement

and the dispute behind crime in question no more exists. Respondent No. 2/Complainant in particular submits that she has no objection, if the FIR in question is quashed & set aside by this Court in view of her reaching an amicable settlement with the Petitioner.

6. Learned APP has also no objection.

7. In view of above, we proceed to pass the following order.

O R D E R

(i) The Petition is allowed in terms of prayer clause (a) which reads as under :-

“a. this Hon’ble Court be pleased to issue a Writ of Certiorari or any other Writ in the nature of Certiorari, thereby quashing and striking down FIR No. 1122 of 2022, lodged in Malad Police Station, under the provisions of Sections 406 & 420 of the Indian Penal Code, 1860.”

(ii) This is subject to the condition that the Petitioner and Respondent No. 2 shall deposit an amount of Rs. 10,000/- each in the account of the High Court Legal Services Committee, Mumbai as expenses of the legal proceedings within a period of four weeks from the date of receipt of this order, failing which the order shall stand automatically vacated and the Petition shall be

listed before this Court for directions;

(iii) Rule is made absolute in the aforesaid terms;

(iv) The Petition is disposed of. No costs;

(v) Stand over to 08.05.2023 under the direction 'for compliance'.

(M. M. SATHAYE, J.)

(SUNIL B. SHUKRE, J.)