

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

WRIT PETITION NO.393 OF 2023

Rajesh Dwarkadas Tulsiani

...Petitioner

Versus

State of Maharashtra and Anr.

...Respondents.

**WITH
INTERIM APPLICATION NO.337 OF 2023
IN
WRIT PETITION NO.393 OF 2023**

Goldie Sud

...Applicant

IN THE MATTER BETWEEN

Rajesh Dwarkadas Tulsiani

...Petitioner

Versus

State of Maharashtra and Anr.

...Respondents

**WITH
WRIT PETITION NO.2029 OF 2021
WITH
INTERIM APPLICATION NO.1860 OF 2021
AND
WRIT PETITION NO. 2184 OF 2021**

Goldie Sud

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Samruddhi Bendbhor i/by Parinam Law Associates, for the
Petitioner in WP/393/2023.

Mr. K. V. Saste, APP for the Respondent-State.

Mr. Sandeep Kekane, for the Respondent No.2.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE : June 15, 2023.

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

1. Heard.

2. The Petitioners in Writ Petition NO. 393 of 2023 and Writ Petition No. 2184 of 2021 have been arrayed as accused in First Information Report (FIR) being C.R.No.499 of 2020, registered with L.T. Marg Police Station, Mumbai for the alleged offence punishable under Sections 342, 347, 427, 504, 506, 201 read with 34 of the Indian Penal Code, 1860 in which the petitioner is charge-sheeted. The quashing is sought on the premise that that the dispute has been settled between the parties.

3. The FIR in question came to be lodged by the Respondent No.2 against the Petitioner in Writ Petition No.393 of 2023, who is his brother and against his friend on the allegation that the Petitioner illegally entered the Respondent no.2-

complainant's property and abused and intimidated the Respondent no.2-Complainant. The dispute appears to be in respect of certain family properties.

4. The consent-affidavit of the Respondent No.2 was tendered before this Court on 21st November, 2022, in which the consent is extended for quashing of the petitions.

5. Considering the relations between the parties, the nature of dispute and the fact that the parties have amicably settled the dispute and entered into compromise, we see no reason to continue with the criminal proceedings, as the same would not achieve any fruitful outcome. The consent affidavit filed by the Respondent No.2-Complainant extends the consent for quashing of the subject FIR, and as such, we see no impediment to allow the writ petition.

7. The Writ Petition No.393 of 2023 stands allowed and the FIR being C.R.No.499 of 2022, registered with L.T. Marg Police Station, Mumbai, against the Petitioner - Rajesh Dwarkadas Tulsaini, so also, consequential charge-sheet is hereby quashed and set aside.

8. In view of disposal of Writ Petition No.393 of 2023,

Interim Application No.337 of 2023 also stands disposed of.

9. Writ Petition No.2029 of 2021 along with Interim Application No.1860 of 2021 and Writ Petition No.2184 of 2021 be listed for direction on 10th July, 2023.

[SHARMILA U. DESHMUKH, J.]

[NITIN W. SAMBRE, J.]