

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

CRIMINAL WRIT PETITION NO. 913 OF 2022

Dharmendra Bhavarlal Gandhi & Anr.

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

....

Mr. Swapnil Wagh i/by Mr. Pankaj B. Bafna C/o Bafna Law Associates,
Advocate for the Petitioners.

Mr. Karan Mehta a/w Ms. Asha K. Mehta, Mr. Nishant Shah, Mr.
Shubham Dudwadkar, Mr. Ashwin Pande, Ms. Pragati Bangar i/by
Karan Mehta and Associates for Respondent No.2.

Mrs. Rutuja Ambekar, APP for the Respondent No.1 – State.

Mr. Kalidas Dhaware (A.S.I.) L.T. Marg Police Station, Mumbai, present.

....

**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 12th FEBRUARY, 2024.

P.C.:

1. Leave to amend the prayer clause. Amendment may be carried out forthwith.

2. The Petitioners were arraigned as accused in FIR No.392 of 2019 registered with L.T. Marg Police Station, Mumbai on 14th December 2019 for offences punishable under Sections 420 & 409 r/w Section 34 of Indian Penal Code (for short “IPC”).

Subsequently investigation was completed and the charge-sheet was filed.

3. It is submitted that the FIR and the charge-sheet may be quashed as the parties have settled the dispute. The complainant is present in the Court. It is submitted that he has no objection for quashing the FIR and charge-sheet. The Affidavit is taken on record. The Consent Terms executed between the parties were tendered. The Consent Terms are taken on record and marked as “X” for identification.

4. Learned A.P.P. on instructions submitted that except the complainant there is no other victim involved in this case.

5. The complainant in his Affidavit dated 3rd March 2022 has stated that he has settled all his disputes, grievances and differences with the Petitioners and he has no further grievances against them pursuant to which he has executed Consent Terms with the Petitioners. The 50% of the decided settlement amount of has been received. Balance amount of 50% is also received by the complainant on 24th March 2023.

6. Considering the factual aspects of the matter and since the parties have settled the dispute, the impugned proceedings can be quashed.

ORDER

- i) Criminal Writ Petition No.913 of 2022 is allowed;
- ii) The proceedings in C.C. No. 507/PW/2002 pending before the learned Magistrate 28th Court, Esplanade at Mumbai which are arising out of C.R. No.392 of 2019 registered with L.T. Marg Police Station, Mumbai is quashed and set-aside.
- iii) The Applicants shall pay cost of Rs.25,000/- each to Advocates Association of Western India Generation Next within a period of three weeks from today. The Account details are as under:

Account Name	: Advocates Association of Western India Generation Next
A/c No.	: 000110110007807
Bank Name	: Bank of India
Branch Name	: Mumbai Main
IFSC Code	: BKID0000001
- iv) The receipt of payment of cost be produced in the Registry of this Court.
- v) The Petition is disposed off accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)