

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

CRIMINAL WRIT PETITION NO. 3856 OF 2022

Vinod Yashwant Kabadi

...Petitioner

Versus

The State Of Maharashtra And Anr.

...Respondents

....

Ms. Saili Dhuru i/by Mr. Sunil Dhuru, Advocate for the Petitioner.

Mrs. M.M.Deshmukh, Addl.APP for the Respondent – State.

Ms. K. T. Hiwrale, APP for the Respondent – State.

Ms. Sandhya Mailagir, Advocate for Respondent No.2.

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

DATE : 18th APRIL, 2024.

P.C.:

1. Not on board. Taken on board.
2. The Petitioner challenges criminal proceedings in Sessions Case No.698 of 2021 pending before the Court of Additional Sessions Judge, Mumbai arising out of First Information Report (for short 'FIR') registered with Sion Police Station on 3rd September, 2019 vide C.R. No.218 of 2019 for offences under Sections 420, 406 and 306 of Indian Penal Code (for short 'IPC').
3. The grievance of the complainant was that the Accused had entered into transaction with the complainant in respect to the

premises in the building at Sion Koliwada and the complainant's husband had parted an amount of Rs.8,50,000/-. The premises was not provided. The amount was not returned. The husband of the complainant committed suicide on 9th March, 2019.

4. Learned Advocate for the Petitioner submitted that there was no instigation or abetment to commit suicide. There is settlement between the Petitioner and Respondent/complainant. The amount of Rs.10,00,000/- has been parted to the Respondent No.2.

5. The Respondent No.2 is present in the Court. She is represented and identified by the Advocate. The affidavit sworn by the Respondent No.2 is place on record.

6. The affidavit of Respondent No.2 indicate that dispute with the Petitioner is amicably settled. The complainant's husband had paid an advance amount of Rs.10,00,000/-. The Accused had returned the amount of Rs.1,50,000/-. The outstanding was Rs.8,50,000/-. The Respondent No.2 has received the entire the outstanding consideration from the Petitioner. The financial transaction between the Petitioner and complainant is settled. She do not want to pursue with the case filed against the Petitioner. She is withdrawing all the allegations made against the Petitioner in the

impugned FIR. She has been explained the contents of affidavit in the language known to her. The affidavit is taken on record.

7. In the light of the factual matrix of the case and *prima facie* does not appear that there was any instigation to commit suicide and in view of the settlement between the parties, the proceedings can be quashed.

ORDER

- i. Criminal Writ Petition No.3856 of 2022 is allowed;
- ii. The impugned proceedings in Sessions Case No.698 of 2021 pending before the Court of Additional Sessions Judge, Mumbai arising out of FIR registered with Sion Police Station on 3rd September, 2019 vide C.R. No.218 of 2019 is quashed and set aside.
- iii. The Petitioner shall pay cost of Rs.15,000/- 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. Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)