

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

CRIMINAL APPLICATION NO. 1461 OF 2023

Ravindra Ramchandra Karande ... Applicant
Versus
Lalita Vilas Shinde and Anr. ...Respondents

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Mr. Manoj R. Gowd a/w Ms. Kavita N. Durgapal, Advocate for the Applicant.

Mr. Maniram Gaud, Advocate for Respondent No.1.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

Mr. Anilkumar Bhosale, (P.S.I.) Dharavi Police Station, present.

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

DATE : 7th MARCH, 2024.

P.C.:

1. The applicant is charge-sheeted for offences punishable under Sections 376, 377, 506, 328 of Indian Penal Code (for short “IPC”) and Section 66(E) of the Information Technology Act. The First Information Report (for short ‘FIR’) was registered on 15th January 2021 with Dharavi Police Station, Mumbai vide C.R. No.25 of 2021. On completing investigation, charge-sheet is filed.

2. The parties have resolved the dispute. The complainant has no objection for quashing the impugned proceedings.

Corrected version of order dated 07.03.2024 pursuant to speaking to minutes of order dated 12.03.2024.

3. Learned Advocate for the applicant submitted that there was dispute relating to recovery of money for which the applicant had initiated Civil Suit for recovery of money. In view of settlement between the parties, the applicant would withdraw the said suit. The FIR was registered at the relevant point of time as counter blast after the suit filed by Petitioner. Since there is settlement between the parties the proceedings may be quashed.

4. Learned Advocate for Respondent No.1/Complainant submitted that the complainant has no objection for quashing the proceedings as there is amicable settlement between the parties. The complainant is present in the Court. She has filed Affidavit.

5. The complainant has expressed her no objection for quashing the proceedings. In her Affidavit it is stated that she has settled the dispute with the applicant and withdrawing the impugned complaint. She has no objection for allowing the application preferred by the applicant. The applicant had filed Summary Civil Suit No.100479/2020 which is agreed to be withdrawn by him. The Respondent No.1 also undertake to handover 15 cheques to the tune of Rs.35,00,000/- which are already handed over to the applicant. The complainant/Respondent N.1 is giving free consent for quashing the proceedings.

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6. We have perused the FIR and the other documents which form part of charge-sheet. From the tenor of the FIR it can be seen that there was alleged physical relationship between the complainant and the accused on several occasions, although the complainant had alleged that there was threat and coercion at the instance of the applicant.

7. Considering the fact that the parties have resolved the difference and nature of allegations reflected in the FIR, the impugned proceedings can be quashed.

ORDER

- i. Criminal Application No.1461 of 2023 is allowed;
- ii. Criminal Proceedings in Sessions Court No.948/2021 pending before the Court of Sessions, 41st Court at Mumbai which are arising out of FIR No.25 of 2021 registered with Dharavi Police Station, Mumbai is quashed and set aside.
- iii. The Applicant 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

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iv. The receipt of payment of cost be produced in the Registry of this Court within one week thereafter.

v. This application be listed on board after Five weeks.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)

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