

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

WRIT PETITION NO. 4086 OF 2023

Fatimathul Shana Yasmine

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Ajay Tripathi a/w. Adv. B.G.Tangsali for the Petitioner.

Mr. Vijay Gharat for the Respondent No.2.

Mrs. Rutuja Ambekar, APP for the State.

Respondent No.2 present in the Court.

**CORAM : ANUJA PRABHUDESSAI, &
N. R. BORKAR, JJ.**

DATED : 18th JANUARY, 2024.

P.C.

1. This petition under Article 226 of the Constitution of India is to quash FIR being Crime No.198 of 2023 registered with Pydhonie police station for offences punishable under Section 420 and 471 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by the respondent no.2. The facts narrated in the FIR reveal that the petitioner had placed an order for clothes and subsequently failed to make the payment and had thereby cheated the respondent no.2 to the tune of Rs.8,14,470/-.

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3. Learned Counsel for the petitioner and the respondent no.2 state that the parties have settled the dispute amicably. They have placed on record affidavit filed by the respondent no.2 stating that she has received the amount from the petitioner and that she does not wish to proceed against him. The respondent no.2 is present before us. She has been identified by her advocate. She has confirmed the contents of the affidavit and has reiterated that the dispute between her and the parties is settled and that she does not wish to proceed with the crime.

4. In our considered view, the settlement is voluntary and genuine. The dispute is personal in nature and considering the fact that the parties have settled their dispute amicably, continuance of criminal proceeding against the petitioner will be an exercise in futility and abuse of process of Court. Hence, this is a fit case to exercise powers under Section 226 of the Constitution. The the petition is allowed in terms of prayer clause (a).

. Crime No.198 of 2023 registered with Pydhonie P. Stn. is quashed, on payment of costs of Rs.40,000/-, to be paid by the

petitioner to the Tata Memorial Cancer Hospital, Mumbai, within a period of three weeks from the date of this order.

. The petitioner is put to notice that failure to pay the costs will lead to revival of the petition. The receipt of payment shall be produced before the Registry within three weeks. In the event such receipt is not produced, Registry to place the matter before the Court.

(N.R.BORKAR, J.)

(ANUJA PRABHUDESSAI, J.)