

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4017 OF 2024**

Rishabh Sunil Shakun, age 26 years,
Indian Inhabitant,
residing at RZM 229, Raj Nagar 2,
near DDA Park, Palam Colony,
South West, Delhi-110045

.....Petitioner

Vs.

1. State of Maharashtra,
(Through Bandra Police Station,
Mumbai)
2. Anikant Anil Kamble, age
about 28 years, Indian
Inhabitant, having address at
C-1, Rajya Sarthi, Adhitya
Darshan, Arunodaya Nagar,
Mulund (East), Mumbai- 400
081, presently having address
at B-201, Swati Co-op.
Housing Society, Vasant Leeta
Apartment, Ghodbunder Road,
Thane (West).

.....Respondents

Mr. Sunil Chaturvedi, with Mr. Anand Upadhyay i/b Chiyarajawala & Co.,
for the Petitioner.

Mr. A.S.Shalgaonkar, APP for Respondent No.1-State.

Ms. Kalyani Rathod, for the Respondent No.2.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 23rd SEPTEMBER, 2024.

P.C. :-

- 1) Petitioner seeks quashing of FIR No.847 of 2024 dated 15th
June 2024 registered with Bandra Police Station, Mumbai for the offences

punishable under Sections 420, 406, 465, 468 and 471 of the Indian Penal Code, 1860 ('IPC') with consent of the Respondent No.2, the informant.

2) The dispute between the Petitioner and the Respondent No.2 is a money dispute and due to non-payment of money borrowed by the Petitioner on different grounds from the Respondent No.2, the impugned FIR has been lodged.

3) Mr. Sunil Chaturvedi, learned counsel appeared for the Petitioner and Ms. Kalyani Rathod, learned counsel appeared for the Respondent No.2. Mr. A.S.Shalgaonkar, learned APP represented the State.

4) Learned Advocate for the Respondent No.2 submitted that the Consent Terms dated 1st September 2024 are executed between the Petitioner and the Respondent No.2. That, in view thereof, the said dispute has been resolved and the Respondent No.2 has received entire amount in full and final settlement of his claim against the Petitioner. Learned Advocate for the Respondent No.2 tendered across the bar his Affidavit dated 6th September 2024, duly affirmed before the Assistant Registrar of this Court. Respondent No.2 has admitted therein the fact of amicable settlement of dispute between him and the Petitioner in view of the Consent Terms and therefore, he has given his no objection for quashing of the said crime.

4.1) Respondent No.2 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 6th

September 2024 and his 'no objection' for quashing of the crime in question.

5) In view thereof, we are inclined to quash the FIR No.847 of 2024 dated 15th June 2024 registered with Bandra Police Station, Mumbai.

6) As we expressed our opinion for quashing of the FIR No.847 of 2024 dated 15th June 2024 registered with Bandra Police Station, Mumbai, learned counsel for the Petitioner, on instructions submitted that, the Petitioner will pay a cost of Rs.10,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

7) We therefore, direct the Petitioner to pay a cost of Rs.10,000/- to the Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

7.1) Petitioner to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, investigation of the crime will be concluded expeditiously.

10) List the Petition on board 8th October 2024 under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
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