

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

WRIT PETITION NO. 4 OF 2023

Dr.Bhalchandra Rajaram Mahamuni & Anr. ... Petitioners
versus
The State of Maharashtra & Anr. ... Respondents

**AND
WRIT PETITION NO. 6290 OF 2024**

Shri Dipak Dinakar Patil ... Petitioner
versus
State of Maharashtra and Another ... Respondents

...
Mr.Kuldeep Patil i/b. Mr.Bhalchandra Shinde for the Petitioners in WP
No. 4 of 2023.

Mr.Abhishek Yende with Ms.Surbhi Agrawal for the Petitioner in WP
No. 6290 of 2024.

Mr.S.V.Gavand, APP for the Respondent -State in WP No. 4 of 2023.

Ms.P.N.Dabholkar, APP for the Respondent -State in WP No. 6290 of
2024.

Mr.Kuldeep Patil i/b. Mr.Bhalchandra Shinde for Respondent No.2 in
WP No. 6290 of 2024.

Mr. Dattatray Yadav, API, Naupada Police Station, Thane in WP No. 4 of
2023.

Mr.K.P.Narde, PSI, Vashi Police Station in WP No. 6290 of 2024.

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**CORAM : RAVINDRA V. GHUGE AND
RAJESH S. PATIL, JJ.**

DATE : 2nd January, 2025

P.C. :

1. We have heard the learned Advocates for the respective sides and have perused the settlement deed dated 6th July, 2022, at page Nos. 34 to 44 in the first Petition.

2. Both the learned Advocates submit that this dispute arose purely out of a commercial partnership agreement. Rather than raising a dispute with regard to the settlement of the accounts, the parties, under apprehension, chose to set the criminal law in motion by registering a First Information Report (FIR). The warring parties, who have preferred both these Petitions, are before the Court and have been identified by their learned Advocates. The terms of the settlement deed are confirmed and it is stated that actually the settlement terms have already been implemented. Ever since executing the terms, there has been no dispute between the parties till date.

3. The learned APPs submit that the charge-sheet has been filed in FIR bearing No. 212 of 2022 and is not yet filed in FIR bearing No. 79 of 2022.

4. Considering the above and keeping in view that the FIRs were registered purely out of a commercial transaction and considering the law laid down by the Hon'ble Supreme Court in ***Narinder Singh & Ors. Vs. State of Punjab & Anr.*¹**, both these Writ Petitions are allowed. FIR bearing No. 79 of 2022, dated 15th March, 2022 registered at Naupada Police Station, Thane City and FIR bearing No. 212 of 2022, dated 28th June, 2022 registered at Vashi Police Station, Navi Mumbai, are quashed.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)

¹ (2014) 6 SCC 466