

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4720 OF 2024

Madhvi Mody

.....Petitioner

Versus

1. The State of Maharashtra

2. Dipesh Yashwant Mody.

.....Respondents

Mr. Niyam Bhasin - Advocate for the Petitioner.

Mr. S. R. Agarkar - APP for the Respondent-State.

Mr. Sushil K. Chaurasia a/w Utkarsh M. Shukla i/by SKC
Legal – Advocate for Respondent No. 2.

CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.

DATE : 04th FEBRUARY 2025

P.C. :

1. This is a writ petition for quashing of the F.I.R. registered vide C.R. No.243 of 2024, dated 13.06.2024 at Azad Maidan Police Station under Sections 420, 465, 467, 468, 371 of the Indian Penal Code. The F.I.R. is lodged on 13.06.2024. Though there are various prayers made in the

petition, learned Counsel for the Petitioner submitted that he is not pressing prayer clauses (b) to (i). Therefore, we have considered this petition only for prayer clause ‘(a)’.

2. Learned Counsel for the Petitioner submitted that though the petition is filed on merits of the matter, the Parties have now settled their dispute and petition is being pressed on the ground of settlement.

3. The F.I.R. is lodged by Respondent No. 2. The Petitioner is his younger sister. The gist of the F.I.R. is that the Petitioner had filed suit no. 227 of 2020 on the original side of this Court for her share in the family property. In support of her suit, she had submitted forged documents and particularly, in respect of the sale deed of flat no. C-203, Poonam Apartments, Worli, Mumbai. On these allegations, the F.I.R. is lodged.

4. The Parties have now settled the dispute. Their father has passed away. The informant is the elder brother of the Petitioner. The Petitioner had explained to him that she had found a photocopy from the cupboard of her house

and she believed it to be true. The informant has stated in the affidavit that for prioritizing the welfare of their aged and for recovering mother, they have decided to give benefit of the doubt to the Petitioner, and he did not wish to pursue the criminal accusations. It is mentioned that they are under the process of filing the consent terms in the pending suit and ultimate goal was to achieve an amicable resolution. In paragraph no. 9, he has specifically mentioned that he was withdrawing all the allegations against the Petitioner and he was accordingly giving consent for quashing of the F.I.R. against the Petitioner.

5. The Respondent No. 2-informant is present in the Court. He is identified by his learned Counsel. He submitted that whatever is stated in the affidavit is true, and it is his genuine wish that the FIR be quashed. He is giving his consent for quashing of the F.I.R..

6. We have considered this stand taken by the both the Parties. The dispute is strictly between brother and sister. They have decided to resolve their issue and to live amicably

hereinafter. Therefore, it is in the interest of both of them, that the prosecution is quashed. No purpose will be served in keeping the litigation pending between both of them. Continuation of the proceedings would not be in the interest of justice. Therefore, we are inclined to allow this petition. Hence, the following Order:-

ORDER

- (i) The Writ Petition is allowed.
- (ii) The F.I.R. registered against the present Petitioner vide C.R. No.243 of 2024 at Azad Maidan Police Station under Sections 420, 465, 467, 468, 371 of the Indian Penal Code is quashed and set aside.

7. Accordingly, Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)