

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

CRIMINAL WRIT PETITION NO.1687 OF 2025

Nafis Khan

.....Petitioner

Versus

The State of Maharashtra
and another

.....Respondents

Ms. Kainat Shaikh, Advocate a/w. B. Shaikh for the Petitioner.

Mr. S.V. Gavand, APP for the Respondent No.1-State.

Mr. Akshay Bhalerao, Advocate for the Respondent No.2.

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

DATE : 04th APRIL, 2025

PC. :

1. Heard learned counsel for the Petitioner and learned counsel for the Respondent No.2 the first informant.

2. The FIR being C.R. No.1/2018 is filed with Deonar police station, Mumbai on 15.3.2018 by the Respondent No.2. The offences came to be registered under Sections 420, 423, 467, 468, 471, 474 and 120-B read with 34 of IPC.

3. The present Petitioner and his wife are the accused persons. The FIR came to be lodged on the basis of one stamp paper bearing forged signature of the first informant. That

document was produced before the City Civil Court. It was produced in a Suit filed by the first informant against the Petitioner and his wife. It is in respect of a shop. It was purchased by the Petitioner and the Respondent No.2 jointly. The Petitioner was running a business in that shop. It was as per mutual understanding. The Petitioner failed to give account of the income from the said shop. When the first informant realized that the Petitioner is having malafide intentions, a Suit was filed before the City Civil Court. When she realized about the document containing her forged signature, a complaint was lodged, as mentioned above. The investigation is complete and the charge-sheet is filed. The documents are sent to the handwriting expert and the report is awaited. According to learned APP, it is uncertain when the report will be submitted.

4. In the suit, the parties have settled the dispute and even the consent decree is drawn, which is mentioned in the *rozanama* dated 26.2.2021. The Respondent No.2 is consenting for quashing of the FIR. Today, she is present. She has filed her affidavit. She is identified by her Advocate. She admits its contents.

5. Basically the dispute between the parties was of civil nature and it is already settled. Even though the handwriting expert's opinion is awaited, as the parties have now settled the dispute, no purpose will be served by keeping the prosecution pending. As such the dispute is arising out of civil nature. Therefore, we find it convenient to quash the proceedings. Even though wife of the Petitioner is not joined as a co-petitioner, still the Respondent No.2 is consenting for quashing of the FIR against her also. In view of the above, the following order is passed :

:: O R D E R ::

- i. The FIR being C.R. No.1/2018 registered Deonar police station, Mumbai and consequent proceedings arising therefrom against the Petitioner and his wife, are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)