

Bombay High Court

Chirag Pradeep Zaveri And Anr vs State Of Maharashtra And Anr on 10 October, 2022

Bench: R.P. Mohite-Dere, S. M. Modak

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3691 OF 2022

1. Chirag Pradeep Zaveri ..
2. Shweta Chirag Zaveri ..

Versus

1. The State of Maharashtra ..
2. Bhavesh Takkar ..

Mr. Vineet Jain, for the Petitioners.

Ms. S.D Shinde, A.P.P for the Respondent No.1-State.

Mr. Jatin P. Shah a/w Ms. M. Snehlata and Ms. Shraddha K  
for the Respondent No. 2.

CORAM : REVATI MOHITE DE  
S.M. MODAK, JJ.

DATE : 10TH OCTOBER 2022

P.C. :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith,

consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1-State. Mr.

14.wp.3691.22.doc Jatin Shah, learned counsel waives notice on behalf of the respondent No.2.

3 By this petition, the petitioners seeks quashing of the FIR, bearing C.R. No. 187 of 2019, registered with the D. B. Marg Police Station, Mumbai, for the alleged offence punishable under Section 420 r/w 34 of the Indian Penal Code. 4 Perused the papers. According to the respondent no.2 (original complainant) in the year 2016, on the pretext of demonetization, the petitioner no.2 requested the complainant for financial help of Rs.30,00,000/- and as such, the complainant arranged for the same, and helped the petitioner No.1. It appears that subsequently, when the respondent no.2, demanded the money back from the petitioners, the petitioners did not return the said amount, pursuant to which, the aforesaid complaint/FIR was lodged.

5 After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned

14.wp.3691.22.doc Metropolitan Magistrate, 18th Court, Girgaon, Mumbai, being C.C. No.194/PW/2022.

6 It appears that in the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute and entered into consent terms. The said consent terms are at page 18 of the petition. It appears that certain cases were initiated by both the parties, against each other, and said cases have been withdrawn, in view of the consent terms. It also appears that the parties have amicably settled their dispute for Rs.30,00,000/- by way of full and final settlement, and the petitioner has returned the entire amount i.e. Rs.30,00,000/- to the respondent no.2. The respondent no.2 is present in Court and acknowledges receipt of the said amount, i.e. Rs.30,00,000/- from the petitioners. 7 Learned counsel for the respondent no.2 has tendered an affidavit of the respondent no.2 dated 10th October 2022, duly affirmed before the Assistant Registrar, High Court,

14.wp.3691.22.doc Mumbai. In the said affidavit, the respondent no.2 has stated that he has no grievance against the petitioner, and has no objection for quashing of the complaint/FIR, and the proceeding arising therefrom. On questioning, the respondent no.2 re-iterates what is stated by him in his affidavit. A xerox copy of the aadhar card, duly attested by him, has also been tendered. The same is taken on record. The respondent no.2 is identified by his counsel and the learned APP has verified the original aadhar card of the respondent no.2.

8 Considering the nature of transaction, dispute between the parties, the amicable settlement between them, the affidavit of the respondent no.2, and having regard to the judicial pronouncements of the Apex Court in Gian Singh vs. State of Punjab & Anr.1 and Narinder Singh & Ors. vs. State of Punjab & Anr.2, there is no impediment in allowing the petition.

1 (2012) 10 SCC 303 2 (2014) 6 SCC 466

14.wp.3691.22.doc 9 The petition is accordingly allowed and the FIR, bearing C.R. No. 187 of 2019 registered with the D.B. Marg Police Station, Mumbai and consequently, the proceeding pending

before the learned Metropolitan Magistrate, 18th Court, Girgaon, Mumbai being C.C. No.194/PW/2022, are quashed and set-aside.

10 At this stage, learned counsel for the petitioners informs us that in the anticipatory bail proceedings, Rs.3,00,000/- have been deposited by the petitioner no.1, and that he may be permitted to withdraw the same. The respondent no.2 has no objection if the petitioners are permitted to withdraw the said amount. Accordingly, the petitioners are permitted to withdraw the said amount of Rs.3,00,000/- deposited by them alongwith accrued interest, if any, on furnishing proof of their identity. 11 The petitioners to deposit the cost of Rs.50,000/- with the Mumbai Police Welfare Fund bearing Account

14.wp.3691.22.doc No.465010100008693, IFSC No.UTIB0000465, within four weeks from today.

12 Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly. Needless to state, that the order quashing the FIR/proceeding, is subject to the petitioners depositing costs of Rs.50,000/-, as directed aforesaid. 13 Matter be listed on 14th November 2022, under the caption "for recording compliance" of the order of deposit. 14 All concerned to act on the authenticated copy of this order.

S. M. MODAK, J.

REVATI MOHITE DERE, J.