

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO. 112 OF 2015.

Kanchan Bharadwaj
40 years, married,
w/o Manish Bharadwaj
r/o Flat No.3/Block D
2nd floor, Sapna Habitat
Chogum Road, Porvorim,
Bardez Goa.

.....Petitioner.

Versus

1. State of Goa,
Through the Public
Prosecutor, High Court
Panaji, Goa.
2. The Police Inspector,
Panaji Police Station,
Dist- North Goa, Goa.
3. Shri Mayur Gosalia,
Director of Gosalia
Ventures Pvt. Ltd.
Having their registered
office at 3rd floor, Phase II
Garden View Building
Margao- Goa.

..... Respondents.

Mr. Vibhav Amonkar, Advocate for the petitioner.
Ms. M. Pinto, Additional Public Prosecutor holding for Mr. S.
R. Rivankar, Public Prosecutor for the respondent nos.1 and
2.
Mr. S. Redkar, Advocate for the respondent no. 3.

**Coram:-F. M. REIS,
K. L. WADANE, JJ.**

Date:-10th September, 2015.

ORAL JUDGMENT (Per K. L. Wadane, J)

Heard Mr. V. Amonkar learned Advocate
appearing for the petitioner and Ms. M. Pinto, learned
Additional Public Prosecutor appearing for the respondent

nos.1 and 2 and Mr. S. Redkar, learned Advocate appearing for the respondent no.3.

2. Rule made returnable forthwith.

3. Heard by consent of learned counsel appearing for the respective parties. Ms. M. Pinto, learned Additional Public Prosecutor waives notice on behalf of the respondent nos.1 and 2 and Mr. S. Redkar, learned Advocate waives notice on behalf of the respondent no. 3.

4. This a Writ Petition filed by the petitioners seeking to quash and set aside Chargesheet No. 69/2013 dated 17.06.2013 lodged by the respondent no. 3 with the respondent no. 2 on the basis of which offence punishable under Section 380 of IPC is registered consequently, Criminal Case No. 123/2013/A.

5. Pursuant to the complainant, the petitioner was arrested and was released on regular bail. From the contents of FIR, it appears that the petitioner has committed offence of theft/

6. Today, the respondent no.3 filed his affidavit and has stated that the petitioner and the respondent no. 3/original complainant have settled the dispute and given no

objection to grant the relief sought by the petitioner in the petition. The respondent no. 3 further states she has no objection to quash and set aside Criminal Case No. 123/2013/A.

7. Mr. Amonkar, learned Additional Public Prosecutor has no objection to allow the petition.

8. Looking to the facts and circumstances of the case and the fact that the parties have amicably settled their dispute, therefore in such circumstances, continuation of a criminal proceedings is meaningless.

9. Now it is well settled law that this Court has powers to quash and set aside the criminal proceedings under the provisions of Section 482 of Cr.P.C. Having regard to the fact that the parties have amicably settled their dispute and the complainant has no objection, even though offence is non compoundable. By way of filing an affidavit the respondent no. 3 has withdrawn the allegations and have settled the dispute amicably.

10. In such circumstances and in the interest of justice petition deserves to be allowed and accordingly, it is allowed and Criminal Case No. 123/2013/a pending before the JMFC, "A" Court, Panaji is hereby quashed and set aside.

11. Rule made absolute in the aforesaid terms.

12. Petition stands disposed of accordingly.

K. L. WADANE, J.
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F. M. REIS, J.