

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.59 OF 2015

M/s. Ultra Distributors Pvt. Ltd. &
Ors.

...Petitioners

Versus

State of Maharashtra & Anr.

...Respondents

.....

Mr. Anand Mishra i/b Mr. A.M. Saraogi for Petitioners.

Mr. M.V. Swar, for Respondent No.2.

Mrs. U.V. Kejriwal, APP, for Respondent No.1-State.

**CORAM : RANJIT MORE &
M.L. TAHALIYANI, JJ.**

DATED : MARCH 11, 2015.

P.C.

Heard. Petitioners have approached this Court invoking the jurisdiction of this Court under Article 226 of the Constitution of India read with provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of FIR No.66 of 2014 registered with Amboli Police Station, Mumbai, against the Petitioners at the instance of Respondent No.2 for the offences punishable under sections 406 and 420 read with section 34 of the Indian Penal Code, 1860.

2. Learned counsel appearing for the respective parties submitted that during the pendency of investigation the parties settled their disputes amicably and pursuant to the understanding arrived at between them, the Petitioners have filed present writ petition for quashing the proceedings of said FIR, by consent of complainant, who is arraigned as Respondent No.2.

3. Respondent No.2 has filed an affidavit dated 7th March, 2015. In paragraph No.2 he has given no objection for quashing the subject FIR. Respondent No.2 is personally present in the Court. On being questioned, he specifically stated that he has gone through the affidavit and has fully understood the contents thereof and has no objection, if the FIR No.66 of 2014 is quashed. Respondent No.2 has also stated that he has given no objection for quashing the said FIR out of free will and without there being any pressure.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and

especially, in view of the law laid down by the Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

5. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we are of the considered view that there is no impediment in quashing

6. Accordingly, the petition is allowed in terms of prayer clause (a). As a condition precedent for this order to take effect, petitioners shall pay costs of Rs.10,000/-(Rupees Ten Thousand Only) each to the cancer hospital, “**Shanti Avedana Sadan**”, situated at 216, Mount Mary Road, Bandra (West), Mumbai 400 050 and produce a copy of the receipt on the file of this petition within a period of two weeks from today.

[M.L. TAHALIYANI, J.]

[RANJIT MORE, J.]