

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 37 OF 2014

M/s. Shunk Corrugators Pvt. Ltd.
and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. K. D. Shukla for the Petitioner.

Mr. P. L. Shetty for Respondent No. 1.

Mrs. M. M. Deshmukh, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **April 28, 2015.**

P. C. :

1. By this writ petition, the Petitioners have invoked the extra-ordinary jurisdiction of this Court, seeking to quash the proceedings of Case No. 3800231/PW/2007 pending on the file of Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai. The said case arises from MECR No.8/2006 registered with MRA Marg Police Station, Mumbai against the Petitioners for offences punishable under sections 406, 418 and 109 read with 34 of the Indian Penal Code.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of trial, the parties have settled their disputes amicably. Pursuant to the settlement, the Petitioners have filed the present petition for quashing the subject criminal proceedings, with consent of original complainant - Respondent No.2 herein.

3. Mr. Dr. U. Dhananjaya Kumar, the authorised officer of Respondent No.2 bank has filed affidavit dated 15th April 2014, wherein he has affirmed that the dispute between the petitioners and the bank is amicably settled and that the bank has no objection for quashing the C.C. No.3800231/PW/2007.

4. One Mr. Pujari, Senior Officer of Respondent No.2 Bank is also present before the Court. On specific query made by us, he submitted that Mr. (Dr.) U. Dhananjaya Kumar, the authorised officer has made the said affidavit, as per the instructions given by the Bank

and without there being any pressure or undue influence on the bank. He has further confirmed that Respondent No.2-Bank has no objection for quashing the criminal proceedings in question initiated by the bank against the Petitioners

5. It can, thus, be seen that the matter has been amicably settled between the parties. A perusal of complaint, reveals that the allegations are totally personal in nature. There is no element of public law involved in the crime. 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 Narinder Singh vs. State of Punjab [2014. AIR SCW 2065] and 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.

6. Under the circumstances, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- payable by each of the petitioners within four weeks from today to “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients, failing which, the petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]