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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 333 OF 2015

1.Nestor Infotech Solutions Pvt. Ltd.
2.Vishwas Udaysing Lad
3.Ashwini Capital Advisors Pvt. Ltd.
4.Mrs.Ashwini Vishwas LadPetitioners
versus
ESDS Software Solutions Pvt. Ltd. and anr.Respondents

Ms. Shubhada D. Khot, advocate for the petitioners.
Mr. Kishor S. Patil, advocate for respondent No.1.
Mrs. S. V. Sonawane, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 30th JANUARY, 2015.

P.C.:

Heard learned counsel appearing for the respective parties.

2. This petition is filed 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 bearing C.R.No.I-02 of 2013 registered at Satpur Police Station, Nashik qua the petitioners.

3. The above referred FIR was filed at the instance of one Chetan Prakash Chandole, Empowered Officer and Senior Manager

Administration of respondent No.1 against the petitioners for offences punishable under Sections 406, 409, 420, 465, 468, 471 read with Section 34 of the Indian Penal Code.

4. During the investigation, the petitioners viz. original accused Nos. 1, 3, 5 and 6 have settled their dispute with respondent No.1 and in pursuance of an understanding arrived at between them, the present petition is filed for quashing the proceedings of the above referred FIR qua the petitioners by consent.

5. Mr. Chetan Prakash Chandole, Empowered Officer and Senior Manager Administration of respondent No.1 has filed an affidavit dated 30th January, 2015. The authority letter of the respondent No.1-company, under which, authority is given to Chetan Prakash Chandole to sign the documents for withdrawal and compromising the dispute is annexed to this affidavit. In paragraph 6 of the affidavit, he has stated that the dispute between the petitioners and respondent No.1 is settled and he is withdrawing the complaint as against the present petitioners and, therefore, the above referred FIR be quashed qua the petitioners. Mr. Chetan Prakash Chandole, Empowered Officer and Senior Manager Administration of respondent No.1 is personally present before 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 proceedings arising out of above referred FIR are quashed and set-aside. He also stated that he is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

6. 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.

7. 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 the proceedings of the above referred FIR. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

8. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs.5000/- by the petitioners to the Tata Memorial Cancer Hospital, Mumbai for the use of its philanthropic purposes. The petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within a period of four weeks from today.

9. Subject to above, the petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)