

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 114 OF 2015**

Mr. Parag Manubhai Gandhi ..Applicant

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. S.S.Shirsat for the Applicant.
Mr.F.R.Shaikh, APP for the Respondent/State.
Mr. T.S.Sharma for the Respondent No.2.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : FEBRUARY 13, 2015.**

P.C.

1. This application is filed under the provisions of Section 482 of Cr.PC. for quashing the proceeding (Chargesheet) in C.C.No. 370/PW/2014 pending on the file of the Metropolitan Magistrate's 18th Court, Girgaum, Mumbai. The said case arises out of C.R.No.154 of 2014 registered with D.B.Marg Police Station against the petitioner at the instance of the respondent no.2 for the offence punishable under Section 406, 409 and 420 of Indian Penal Code.

2. The allegation in the FIR seems to be that the complainant was

cheated at the hands of the applicant. After completion of investigation, chargesheet was filed which was numbered as CC No.370 of 2014.

3. During the pendency of the case the applicant and the respondent no.2 settled the dispute amicably. The respondent no.2 accordingly has filed affidavit dated 6th February, 2015. In paragraph no.6 of the affidavit, he has given no objection for quashing the proceeding of the said criminal case being CC/370/PW/2014.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said statement in the affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the criminal proceedings in question initiated by him against the applicant for the offence punishable under sections 406, 409 and 420 of the Indian Penal Code, 1860.

5. It can thus be seen that the dispute between the parties is settled. The allegation made against the applicant is personal in nature and no public law is involved in the crime. In the 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.

6. 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 criminal proceedings.

7. Accordingly, application is allowed in terms of prayer clause (a).

8. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.15000/- (Rupees Fifteen Thousand Only) to the cancer hospital, namely **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 application within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)