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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 177 OF 2014**

Dr. Ram Ujagar Tiwari and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. M. M. Vashi i/b.M. P. Vashi and Associates, advocates for the applicant.
Mr. J. P. Yagnik, APP for the State.
Mr. Gajanan Shinde, advocate for respondent No.2.

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

DATED : 16th February, 2015.

P.C.:

Mr. Vashi, learned senior counsel, at the outset, seeks leave to amend the prayer clause so as to give particulars of the criminal case. Leave as prayed for, is granted. Necessary amendment be carried forthwith.

2 Heard learned counsel and learned APP appearing for the respective parties.

3 This application is filed under for quashing the proceedings of FIR No.I-480/13 registered for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 and

consequently the proceedings of C.C.No.149 of 2014 pending before JMFC, Kalyan. The said FIR was registered at the instance of respondent No.2 against the applicant and after completion of investigation, a charge-sheet came to be filed in the Court of JMFC, Kalyan which was numbered as C.C.No.149/2014.

4 During the pendency of the trial, the parties have settled their dispute amicably and in pursuance of an understanding arrived at between them, filed the instant petition for quashing the said criminal proceedings by consent. Respondent No.2 has filed an affidavit dated 7th April, 2014. In paragraph 3 of the said affidavit, he stated that the management had filed writ petition No.3146 of 2013 contending that as per the relevant rules at the relevant time, no permission was required from the State of Maharashtra to start the new course, when no financial aid is sought from the State Government and when the management is a minority institution. In the said petition, the Division Bench passed an order dated 31st January, 2014 holding that no permission was required from the State of Maharashtra. In paragraph 4, he has stated that this Court directed the Bombay University to enroll all 31 students like him as regular students and allowed them to appear for examination. In paragraph 5, he stated that he has no objection for quashing the proceedings of the FIR No.I-480/13. We have also perused the order dated 31st January, 2014 passed in writ petition No.3146 of 2013. The

Division Bench in paragraph 8 observed that there was no need to seek approval of the State of Maharashtra for the said course for which 31 students were admitted. The Division Bench also permitted those students to appear for third year examinations which were to be held by the University.

5 It can, thus, be seen that the matter has been amicably settled between the parties. 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 law laid down by the Apex Court 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. Accordingly, the proceedings of FIR No.I-480/13 and consequently the proceedings of C.C.No.149 of 2014 pending before JMFC, Kalyan are quashed and set-aside. The criminal application stands disposed of.

6 Learned counsel for the applicant submits that after registration of the FIR, the investigating agency seized an amount of Rs.14,75,550/- from the applicant. The charge-sheet annexed to the application shows that the said amount is deposited as muddemal with Kolsheewadi Police Station, Kalyan. Since the FIR and consequential proceedings are quashed, we direct the Koshewadi Police Station to

return back the said amount to the applicant on his making an appropriate application.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)