

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 930 OF 2015

Ravindra M. Sawant.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Sudip Pasbola i/b Dheeraj Dhutmal for the Petitioner.

Mrs. U. V. Kejriwal, learned APP for the State.

Mr. Ajay Basutkar for Respondent No. 2.

Coram : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

Date : **April 9, 2015.**

P. C. :

1. Learned Counsel appearing for the Petitioner seeks oral leave to amend the prayer clause. Leave granted. Necessary amendment be carried out forthwith.

2. The Petitioner has invoked the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings of Sessions Case No. 88 of 2013, pending on the file of Sessions Judge, Borivali Division, at Dindoshi, Mumbai. The said proceeding is the result of FIR bearing No. C.R.No.227/2012 [dated 3/7/2012] registered by

Respondent No. 2 against the Petitioner and 17 others for the offence punishable under sections 395, 452, 448, 427, 323, 504, 506(II) read with 34 of the Indian Penal Code, 1860. After completion of investigation, police filed charge-sheet before the Metropolitan Magistrate, 67th Court Borivali, Mumbai, which was subsequently committed to the Sessions Court, and the same is numbered as Sessions Case No. 88 of 2013.

3. The learned Counsel appearing for the respective parties submitted that during the course of trial, the Petitioner and the Complainant and other aggrieved persons settled their disputes amicably and in pursuance of the understanding arrived at between them, the Petitioner has come before this Court for quashing the proceedings of said case as against him.

4. Respondent No.2 has filed affidavit dated 8th April 2015. In paragraph 6, he has stated that he has no grievance against the Petitioner and has given no objection for quashing the said sessions case *qua* the Petitioner. Mr. Rajan S. Prabhu, the aggrieved partner has also filed his affidavit. In paragraph 5, he has stated that he has no grievances against the present Petitioner. Further in paragraph 6 he has given consent for

quashing the proceedings against the Petitioner.

5. We have perused the FIR. The Petitioner is a lawyer by profession. The FIR does not attribute any overt act to the Petitioner. The affidavit of the aggrieved partner also indicates that the Petitioner was present at the time of occurrence of the incident in his professional capacity as lawyer and to assist his client. Thus, we are satisfied that the FIR does not disclose offence under section 395 of the Indian Penal Code, 1860 against the Petitioner.

6. Respondent No.2 as well as said Mr. Prabhu, the aggrieved partner are personally present before the Court. On specific query made by us, they have submitted that they have no objection for quashing the FIR against the Petitioner. They have confirmed the contents of the affidavit.

7. It can, thus, be seen that the matter has been amicably settled between the parties. Considering the nature of allegations against the Petitioner and in the light of principles laid down by the Apex Court in *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 as against

the Petitioner.

9. Accordingly, petition is made absolute in terms of prayer clause (b). The proceedings are quashed qua the Petitioner only.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]