

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 969 OF 2015

Mr. Vijay M. Agarwal & Anr.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Ghanshyam Upadhay i/b. Law Juris & Gaurav Agarwal for the
Petitioner.

Mr. K.V.Saste, APP for the Respondent/State.

Not on board. On production, taken on board.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : APRIL 13, 2015.

P.C.

1. This joint petition is filed under Article 226 of the Constitution of India by accused No.5 Vijay Mahavir Agarwal and complainant Bhavin Vinodchandra Vakharia, for quashing the proceeding of F.I.R. No. 172 of 2014 registered with Goregaon Police Station qua the petitioner no.1. The said FIR is filed by the petitioner no.2 against four accused persons named in the FIR. In the course of investigation crime was also registered against the petitioner no.1. After

completion of investigation chargesheet was filed against four accused persons named in the FIR. During pendency of the investigation and pendency of trial, the petitioner no.2 who is the original complainant, has filed joint petition along with the petitioner no.1, whose name was also added as accused in the said FIR for quashing the proceeding against the petitioner no.1 by consent.

2. The petitioner no.2 complainant is present before the court. On specific query made by us, he submitted that he has gone through the contents of the petition and admits the same. He contends that he has no objection for quashing the criminal proceeding against the petitioner no.1 for the offence punishable under sections 409, 420, 465, 467, 468, 471, 34 r/w. 120B of the Indian Penal Code, 1860.

3. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioner no.1 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.

4. 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.

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

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)