

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

CRIMINAL WRIT PETITION NO. 1073 OF 2015

Mr. Anas Gulam Shaikh & ors.

..Petitioners

v/s.

State of Maharashtra & Anr.

..Respondents

Mr. Parvez Memon i/b. MZM Legal for the Petitioner.

Mrs.P.V. Kantharia, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JULY 28, 2015.**

P.C.

1. Heard learned Counsel for the petitioner, learned APP for the respondent no.1 and the respondent no.2 in person. This petition is filed under Article 226 of the Constitution of India to quash and set aside the FIR bearing CR No. 283 of 2014 initially registered with Agripada Police Station, and subsequently transferred to the Economic Offence Wing, Unit No.II and registered as C.R.No. 92 of 2014 for the offences punishable under sections 465, 467, 468, 471,

420 r/w. 34 of I.P.C.

2. Pending investigation, parties settled their disputes amicably and in pursuance of the understanding arrived at terms for quashing and setting aside the said C.R. The terms of statement are filed at Exhibit B.

3. The respondent no.2, complainant has filed an affidavit dated 30th April, 2015. In paragraph 4 of the affidavit, no objection is given for quashing the proceeding of the said criminal case.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said statement in the affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the criminal proceedings in question initiated by her against the Petitioner for the offence punishable under sections 465, 467, 468, 471, 420 r/w. 34 of I.P.C.

5. It can thus be seen that the dispute between the parties is settled. The allegation made against the petitioners is personal in nature and no element of 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, petition is allowed in terms of prayer clause (a).

9. As a condition precedent for this order to take effect, the Applicant shall pay costs of Rs.20000/- (Rupees Twenty Thousand Only) to the **Central Police Welfare Fund, Account No. 914010029005759, Axis Bank, IPS Code UTIB0000060** and produce a copy of the receipt on the file of this petition within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)