

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1378 OF 2015

Narendra Hete and Another. ..Petitioners.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. Mahesh Jethmalani, Senior Advocate with Mr. Hitesh Jain with
Neha Prashant Gunjan Mangala i/b ALMT Legal for the Petitioner.

Mr. Yug Choudhari i/b Ajay Basutkar for Respondent No. 3.

Mr. J. P. Yagnik, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **April 7, 2015.**

P. C. :

1. The Petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973, seeking to quash FIR No.37 of 2015 registered with Andheri Police Station which is subsequently transferred to the Economic Offences Wing, Mumbai Police where it is numbered as FIR No. 5 of 2015. The said FIR is registered against the Petitioners at the instance of Respondent No.3 for the offence punishable under sections 406, 420, 465, 467, 468 and 120B read with 34 of the Indian Penal Code, 1860.

2. The learned Counsel appearing for the respective

parties submitted that during the pendency of investigation, the parties have settled their disputes amicably and decided to continue their cordial relations and as per the understanding arrived at between them, the Petitioners have filed present petition for quashing the aforesaid FIR, by consent of Respondent No. 3.

3. Respondent No.3, at whose instance the FIR came to be registered, has filed an affidavit in the present petition. In paragraph 4 of the said affidavit, she has stated that she no objection for quashing the FIR in question filed by her against the Petitioners.

4. Respondent No.3 is personally present before the Court. On specific query made by us, she submitted that she has made the said 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 FIR in question.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these 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. Accordingly, petition is made absolute in terms of prayer clause (a). As the police machinery was used by the parties to settle their private disputes as a corollary of business differences, we find it would be appropriate to saddle the the Petitioners with the cost of Rs.25,000/-, each which shall be paid to the “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioners shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]